

3-27-91

Vol. 56

No. 59

# federal register

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Wednesday  
March 27, 1991

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United States  
Government  
Printing Office

SUPERINTENDENT  
OF DOCUMENTS  
Washington, DC 20402

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SECOND CLASS NEWSPAPER

Postage and Fees Paid  
U.S. Government Printing Office  
(ISSN 0097-6326)

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3-27-91  
Vol. 56 No. 59  
Pages 12643-12832

Wednesday  
March 27, 1991

# Federal Register

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### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### MIAMI, FL

- WHEN:** April 18:  
1st Session 9:00 am to 12 noon.  
2nd Session 1:30 pm to 4:30 pm
- WHERE:** 51 Southwest First Avenue  
Room 914  
Miami, FL
- RESERVATIONS:** 1-800-347-1997

### CHICAGO, IL

- WHEN:** April 25, at 9:00 am
- WHERE:** 219 S. Dearborn Street  
Conference Room 1220  
Chicago, IL
- RESERVATIONS:** 1-800-366-2998

### WASHINGTON, DC

- WHEN:** May 23, at 9:00 am
- WHERE:** Office of the Federal Register  
First Floor Conference Room  
1100 L Street, NW, Washington, DC
- RESERVATIONS:** 202-523-5240 (voice); 202-523-5229 (TDD)

**NOTE:** There will be a sign language interpreter for hearing impaired persons at the May 23, Washington, DC briefing.



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## Presidential Documents

Title 3—

Proclamation 6264 of March 25, 1991

The President

### Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 1991

By the President of the United States of America

#### A Proclamation

The peoples of the United States and Greece enjoy a rich friendship based on strong ties of kinship and culture—ties fortified by our common devotion to the ideals of freedom and democracy. Our shared values and mutual interests make the celebration of Greek independence on March 25 a significant event for all Americans.

Although we celebrate on this occasion events that took place just 170 years ago, the values shared by the peoples of Greece and the United States are rooted far deeper in history. Indeed, it was the ancient Greeks who, with their profound observations of human nature and their seminal experiments in civil order and justice, enkindled the light of democratic thought among men. Our Nation's Founders were well-schooled in classical languages and Greek literature, and the ideas of Solon, Plato, Aristotle, and other Greek philosophers and statesmen greatly influenced their own. Indeed, in his historic treatise on the Rights of Man, Thomas Paine wrote: "What Athens was in miniature, America will be in magnitude. The one was the wonder of the ancient world; the other is becoming the admiration and model of the present." His words reflect the inspiration and insight that this Nation's Founders derived from the ancient Greek city-states as they worked to establish an enduring representative democracy in America.

Widely regarded as the "cradle of democracy," Greece stands today as a strong ally of the United States, aligned with us by its commitment to freedom and human rights. As partners in the NATO Alliance, we have worked together to defend democratic ideals and to promote the collective security of Europe. Recently Greece also cooperated with the United States and other nations in the historic coalition effort to uphold the rule of law and to liberate Kuwait from ruthless aggression. The people of Greece can take pride in their country's role in this endeavor, carried out in enforcement of resolutions of the United Nations Security Council.

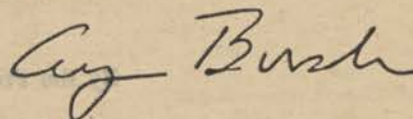
Today, as we join in commemorating the 170th anniversary of Greek independence, we celebrate the continued friendship between the Greek and American peoples. We also give thanks, knowing that the light of democratic ideals continues to grow in strength and brilliance around the world.

In recognition of the 170th anniversary of Greek Independence, the Congress, by Senate Joint Resolution 59, has designated March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy" and has authorized and requested the President to issue a proclamation in observance of this day.



NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 25, 1991, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I urge all Americans to join in appropriate ceremonies and activities in honor of the Greek people and Greek independence.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fiftieth.



[FR Doc. 91-7409

Filed 3-25-91; 4:06 pm]

Billing code 3195-01-M



# Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Farmers Home Administration

#### 7 CFR Parts 1955, 1962 and 1965

#### Revision of Regulations Due to Changes in County Committee Certification Form

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Farmers Home Administration (FmHA) amends its regulations to clarify what action the County Committee must take when a voluntary conveyance, transfer, or cash sale takes place and a release of liability is recommended. The reason for these changes is to delete present language in the regulations that requires specific information to be added to Form FmHA 440-2, "County Committee Certification or Recommendation," since the form has been revised to include the required language. The intended effect is to have the regulations coincide with the changes made on the form, which will reduce the time needed to complete the form by FmHA employees.

**EFFECTIVE DATE:** March 27, 1991.

**FOR FURTHER INFORMATION CONTACT:** Mark Falcone, Senior Loan Officer, Farmer Programs Loan Making Division, Farmers Home Administration, USDA, South Building, 14th Street and Independence, Avenue SW., Washington, DC 20250, telephone (202) 475-4019.

#### SUPPLEMENTARY INFORMATION:

##### Classification

This action was reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291, and has been determined to be exempt from those requirements because it involves

only rules of agency procedure and internal management. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rule making since it involves only rules of agency procedure and internal agency management, making publication for comment unnecessary.

#### Intergovernmental Consultation

For the reasons set forth in the final rule related to Notice 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983) and FmHA Instruction 1940-J, "Intergovernmental Review of Farmers Home Administration Programs and Activities" (December 23, 1983), Farm Ownership Loans, Farm Operating Loans and Emergency Loans are excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials. Soil and Water loans are subject to the provisions of Executive Order 12372 and FmHA Instruction 1940-J.

#### Programs Affected

These changes affect the following FmHA programs as listed in the Catalog of Federal Domestic Assistance:

- 10.404 Emergency Loans
- 10.406 Farm Operating Loans
- 10.407 Farm Ownership Loans
- 10.416 Soil and Water Loans

#### Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

#### List of Subjects

##### 7 CFR Part 1955

Foreclosure, Government acquired property.

##### 7 CFR Part 1962

Crops, Government property, Livestock, Loan Programs-Agriculture, Rural Areas.

##### 7 CFR Part 1965

Foreclosure, Loan Programs-Agriculture, Rural areas.

Therefore, chapter XVIII, title 7, Code of Federal Regulations, is amended as follows:

#### PART 1955—PROPERTY MANAGEMENT

1. The authority citation for part 1955 continues to read as follows:

**Authority:** 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; and 2.70.

#### Subpart A—Liquidation of Loans Secured by Real Estate and Acquisition of Real and Chattel Property

2. Section 1955.10 is amended by revising the introductory text of paragraph (f)(2) to read as follows:

**§ 1955.10 Voluntary conveyance of real property by the borrower to the Government.**

\* \* \* \* \*

(f) \* \* \*  
(2) *Consolidated Farm and Rural Development Act (CONACT) loans to individuals.* For CONACT loans to individuals, as defined in § 1955.3 of this subpart, where the FmHA indebtedness plus any prior liens exceeds the market value of the property, the County Committee must take certain action if it is to recommend that the borrower and any cosigner be released from liability. They must determine that the borrower(s) and any cosigner do not have reasonable ability to pay all or a substantial part of the balance of the debt owed after the voluntary conveyance, taking into consideration their assets and income at the time of the conveyance; and that the borrower and any cosigner have cooperated in good faith, used due diligence to maintain the security against loss, and have otherwise fulfilled the covenants incident to the loan to the best of their ability; and they must recommend that the borrower and any cosigner be released of personal liability for any balance due on the secured indebtedness upon conveyance of the



property to the Government. This action will be documented by checking the appropriate block on Form FmHA 440-2, "County Committee Certification or Recommendation," as specified in the Forms Manual Insert. If the County Committee does not recommend release from liability, the borrower must be informed that the indebtedness cannot be satisfied but a credit can be given equal to the market value less prior liens (if any) and the borrower will determine if the borrower wishes to make a new offer on that basis. If a new offer is made and accepted, the account will be handled as an unsatisfied account as outlined in 1955.18(f) of this subpart. When the FmHA debt less the market value and prior lien exceeds \$150,000, release of liability must be approved or disapproved by the Administrator or designee; otherwise, the State Director must approve or disapprove the release of liability. All cases requiring a release of liability will be submitted for review in accordance with exhibit A of subpart 8 of part 1956 of this chapter (available in any FmHA Office).

#### PART 1962—PERSONAL PROPERTY

3. The authority citation for part 1962 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

##### Subpart A—Servicing and Liquidation of Chattel Security

4. Section 1962.34 is amended by removing paragraph (f)(5), redesignating paragraph (f)(6) as (f)(5), and revising paragraphs (e)(2), (e)(3), and (f)(4) to read as follows:

##### § 1962.34 Transfer of chattel security and EO property and assumption of debts.

(e) \* \* \*

(2) *Transfer to ineligible applicant.* The County Committee will determine that the transferee(s) will honestly endeavor to make payments in accordance with the assumption agreement, maintain the security, and carry out the other obligations in connection with the loan. This action will be documented by checking the appropriate block on Form FmHA 440-2, as specified in the Forms Manual Insert (FMI).

(3) *Release from liability.* If the total outstanding debt is not assumed, the County Committee must take certain action when they recommend the transferor(s) be released from personal liability. They must determine that the transferor and any cosigner do not have reasonable ability to pay all or a

substantial part of the balance of the debt not assumed after considering their assets and income at the time of transfer; and that the transferor and any cosigner have cooperated in good faith, used due diligence to maintain the security against loss, and have otherwise fulfilled the covenants incident to the loan to the best of their ability; and they must recommend that the transferor and any cosigner be released from personal liability on the transferees' assumption of a portion of the indebtedness at least equal to the present market value of the security. This action will be documented by checking the appropriate block on Form FmHA 440-2, as specified in the FMI.

(f) \* \* \*

(4) Form FmHA 440-2, with the appropriate recommendation of the County Committee if the transferor is to be released from liability.

#### PART 1965—REAL PROPERTY

5. The authority citation for part 1965 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

##### Subpart A—Servicing of Real Estate Security for Farmer Program Loans and Certain Note-Only Cases

6. Section 1965.26 is amended by revising paragraphs (f)(5)(i) and (g)(3) to read as follows:

##### § 1965.26 Liquidation action.

(f) \* \* \*

(5) \* \* \*

(i) The County Committee has recommended release of liability by determining that the borrower(s) and any cosigner do not have reasonable ability to pay all or a substantial part of the balance of the debt owed after the cash sale, taking into consideration their assets and income at the time of the sale; and that the borrower and any cosigner have cooperated in good faith, used due diligence to maintain the security against loss, and have otherwise fulfilled the covenants incident to the loan to the best of their ability; and by recommending that the borrower and any cosigner be released from personal liability for any balance due on the secured indebtedness upon completion of the transaction. This action will be documented by checking the appropriate block on Form FmHA 440-2, "County Committee Certification or Recommendation," as specified in the Forms Manual Insert.

\* \* \* \* \*

(g) \* \* \*

(3) In the case of a sale outside the program for less than the debt owed, Form FmHA 1965-8 will be given to the borrower and otherwise distributed in accordance with the Forms Manual Insert.

7. Section 1965.27 is amended by revising paragraphs (f)(1) and (g)(6)(i) to read as follows:

##### § 1965.27 Transfer of real estate security

(f) \* \* \*

(1) *Required action.*

(i) In FP cases, the County Committee must take certain action if it is to recommend that the transferor and any cosigner be released from liability. They must determine that the transferor(s) and any cosigner do not have reasonable ability to pay all or a substantial part of the balance of the debt not assumed after considering their assets and income at the time of the transfer; and that the transferor and any cosigner have cooperated in good faith, used due diligence to maintain the security against loss, and have otherwise fulfilled the covenants incident to the loan to the best of their ability; and they must recommend that the transferor and any cosigner be released of personal liability upon the transferees' assumption of that portion of the indebtedness equal to the present market value of the security. This action will be documented by checking the appropriate block on Form FmHA 440-2, "County Committee Certification or Recommendation," as specified in the Forms Manual Insert.

(ii) The official approving the transfer of SFH loans must also make the same determination that is required by the County Committee in paragraph (f)(1)(i) of this section. This will be done by executing a memorandum covering this information.

\* \* \* \* \*

(g) \* \* \*

(6) \* \* \*

(i) The transfer will be contingent upon the County Committee certification on Form FmHA 440-2 for an eligible applicant. When the transfer is to an ineligible applicant, they must determine that the transferee will honestly endeavor to make payments in accordance with the assumption agreement, maintain the security, and carry out the other obligations in connection with the loan. This action will be documented by checking the appropriate block on Form FmHA 440-2, as specified in the Forms Manual Insert.

\* \* \* \* \*



Dated: February 12, 1991

La Verne Ausman,

Administrator, Farmers Home  
Administration

[FR Doc. 91-7144 Filed 3-26-91; 8:45 am]

BILLING CODE 3410-07-M

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 103

[INS No. 1308-90; AG ORDER No. 1486-91]

#### INS/EOIR Fee Review

**AGENCY:** Immigration and Naturalization  
Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the existing fee schedule of the Immigration and Naturalization Service (INS) and the Executive Office of Immigration Review (EOIR). These changes are necessary to place the financial burden of providing special services and benefits which do not accrue to the public at large on the recipients of these special services and benefits. Charges have been adjusted to more nearly reflect the current recovery cost of providing these special services and benefits taking into account public policy and other pertinent facts.

**EFFECTIVE DATE:** April 11, 1991.

**FOR FURTHER INFORMATION CONTACT:** Charles S. Thomason, Revenue Officer, Resource Management Branch, Immigration and Naturalization Service, 425 I Street NW., Room 6309, Washington, DC 20536, Telephone (202) 514-4705.

**SUPPLEMENTARY INFORMATION:** The INS and EOIR published a proposed rule on January 29, 1991, at 56 FR 3226, to amend the schedule of fees charged by the INS and EOIR for processing and adjudication of applications, petitions, motions and requests submitted by the public.

Comments were received from 147 commenters including 65 school officials, 26 voluntary service agencies, 24 private immigration attorneys, 14 agricultural associations, 5 elected officials, 5 private citizens, 4 employers, 3 attorney organizations, and 1 labor organization. All of the comments were carefully considered before preparing this final rule. The following is a summary of the substantive comments.

The overwhelming majority of the commenters oppose the fee increases. Three commenters expressed general support for the proposal, hoping the increases would bring about an

improvement in the level of service being provided. Two commenters specifically acknowledged the need to "surcharge" general application fees to pay for the costs associated with refugee and asylum processing; another commenter specifically objected to this "surcharge". One commenter suggested a fee be established for certain applications for which there is currently no fee. The Service is confident the additional fee revenues will permit a much improved level of service, both in terms of quality and timeliness of adjudication, and will allow for the continued support of asylum and refugee processing, including the newly established asylum officer corps. In addition to substantial increases in adjudications officers and support personnel, the higher fee revenues will provide capital for much-needed automation and information and outreach services, and will also offset certain charges not in effect when fee levels were last set in May, 1989. Additional fees not contained in the proposed rule are beyond the scope of this rulemaking and cannot be included as the commenter suggests.

#### Proposed Delay in Publishing New Fees

Eleven commenters, largely private attorneys and attorney organizations, urged a delay in promulgating the new fee schedule until the justification for the increases could be studied. Some commenters suggested the entire fee structure should be reconsidered, possibly basing fees more on the ability to pay and value of service received. Unfortunately, a delay in implementation cannot be considered because current program obligations exceed revenues and thus are rapidly eroding the balance in the Examination Fee Account, the sole source of Adjudications funding. Without the additional revenue which the increased fees will generate, the current level of adjudicative services would have to be drastically reduced before the end of the fiscal year.

Since many of the costs which necessitated the proposed fee increases are already present, it is essential the new fee schedule be implemented as quickly as possible. Accordingly, the normal 30-day delay in the effective date of the final rule has been shortened to 15 days.

#### The Fee Structure

Twenty commenters expressed dissatisfaction with the explanation of the new fee structure contained in the proposed rule, some noting the fact that relatively lower fees were proposed for certain types of applications generally

considered complex and time-consuming. Some expressed concern that the revenue generated would be used to support INS enforcement functions. Several of these same commenters expressed concern that the requirements of 31 U.S.C. 9701 which call for user fees to be set assuring that such charges are fair, based on costs to the Government, value of the service to the recipient, public interest served and other relevant factors, were not being met.

The method and procedures used to conduct this fee review and establish the fees in the proposed rule were consistent with those conducted in prior years. The formula used to determine fees contains several elements. Direct and indirect officer and clerical costs per application are first calculated. Added to that are actual and projected general expense costs, divided equally among the total projected volume of cases. Finally added in are the costs of non-revenue work including refugee and asylum processing, related employment authorization and adjustment to permanent status, as well as the costs of processing all applications and petitions filed by residents of Guam and the U.S. Virgin Islands, the revenue from which is deposited with the respective local governments.

The proposed increases were relatively dramatic for several reasons: (1) In order to improve timeliness of service and to meet future workload increases, data and communications costs, computer hardware and systems development costs have risen dramatically since fee levels were set two years ago. (2) The costs of refugee and asylum processing, previously appropriated, are now borne by the Examinations Fee Account. (3) The asylum officer corps and enhanced asylum review process, created because of the widespread belief existing asylum procedures were unfair, is a particularly costly initiative funded entirely from the Examinations Fee Account. (4) The significant cost of Federal Bureau of Investigation (FBI) fingerprint and record checks required for many types of applications and petitions have, since 1990, been paid for by the Examinations Fee Account. These costs were previously absorbed by the FBI. (5) Rapid program growth and resulting staffing increases have forced several costly moves to larger facilities. Three of the four Adjudications Service Centers have moved during the past year. The fourth is rapidly outgrowing its existing space. Several district office moves have also occurred as a result of program expansion. Congress has appropriated



no funding in the INS budget for these items. Therefore, they must be paid for from the Examinations Fee Account.

Use of Examinations Fee Account revenues for other INS programs, such as Enforcement, is prohibited by law and will not be permitted.

The apparent discrepancy noted by several commenters that relatively complex applications appeared to have lower fees than some simpler types is explained by the fact that the more difficult application types cited by the commenters (I-129H, I-129L, and I-140 temporary and permanent worker applications) are largely processed at service centers, where automation has resulted in processing efficiencies and cost savings. Many other application types are still received and processed locally where lack of resources has precluded progress in automation.

As explained above, a delay in implementation of the proposed fees is not operationally feasible. However, INS is committed, in future fee reviews, to consider options other than a purely cost-based fee schedule.

INS agrees with commenters regarding its obligations under 31 U.S.C. 9701 and the guidelines of the Office of Management and Budget in OMB Circular A-25. Accordingly, several fees have been lowered. Because these are low volume applications, the loss of revenue to the program will be negligible.

The suggestion that the INS proposed rule was inadequate because the basis of the fee increase was not explained in sufficient detail is without merit. Details regarding the study remain available upon request from INS Headquarters, pursuant to the Freedom of Information Act, 5 U.S.C. 552.

#### Impact of Fee Increases on the Public

Thirty-three commenters indicated the fees were generally too high, would discourage alien applicants from seeking immigration benefits to which they were entitled and could pose an insurmountable economic burden on many poorer applicants. Although INS is sympathetic with the plight of poorer applicants, it has no other source of revenue which can defray the costs of application processing. However, in calculating costs for the proposed fees, the fact that children under 14 years of age do not require FBI clearances was not considered. Accordingly, the fees for certain applications involving children under 14 have been lowered, lessening the impact of the fee increases on family groups. Also, it is important to note that the provision for waiving fees contained in 8 CFR 103.7(c) for truly needy cases remains intact.

Twelve commenters specifically focused on the naturalization fee increases, suggesting the new fees would be a strong disincentive to filing for citizenship, particularly among Latin Americans. Again, although INS is concerned about this potential problem, there is no alternative source of revenue. However, it should be noted that the administrative naturalization provision of the Immigration Act of 1990, Public Law 101-649, will become effective in October of 1991. Persons choosing to file administrative naturalization will no longer be required to pay the court petition fee, currently \$50. This will more than offset the increase now proposed by INS. The current combined cost of \$110 will, on October 1, 1991, become a single fee of \$90.

Approximately 60 commenters, primarily school officials, indicated concern over fee increases to student-related applications. Although INS is interested in promoting educational opportunities in the United States, it is unable to subsidize the cost of administering the student visitor program. Given the high cost of tuition and living expenses, it is unlikely the occasional fees paid to INS will prove to be prohibitive for most foreign students. INS is also considering, in separate rulemaking, amending certain rules governing student applications which would decrease the frequency of student filings, partially offsetting the increased fees.

Eleven commenters expressed concern that the higher fee for employment authorization documentation would be an economic burden on poorer applicants and might be an incentive for aliens to work illegally rather than to pay the higher fee. Again, although INS shares the concerns of the commenters, there is no alternative revenue source available. The employment authorization document program has suffered severely due to inadequate funding. Although INS recognizes the urgency of these applications, it has been unable to meet its processing time goals at most of its large field offices.

Thirteen commenters, agricultural associations and growers, objected to the increased fees for applications for temporary agricultural workers. Although INS understands the concerns of growers who file for large numbers of laborers and pay significant processing fees, INS has no alternative source of funding to offset processing costs. The H-2A agricultural worker program is a generous one, but growers must shoulder the burden of administering it.

Four commenters representing business interests objected to higher

fees for temporary and permanent worker applications; another commenter suggested the fee structure be revisited with the idea of charging relatively higher fees to business-related applications where there would be a greater ability to pay. The current fee structure is based on program costs. Although INS is willing to explore alternatives, it is highly unlikely the costs of petitions for alien workers would be lowered under any viable option.

#### The Final Rule

The following fee changes are adopted as final:

1. Increase the fee from \$75 to \$130 for filing Form I-17, application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof.

2. Increase the fee from \$35 to \$70 for filing Form I-90, application for Alien Registration Receipt Card (Form I-551) in lieu of an obsolete card or in lieu of one lost, mutilated or destroyed, or in a changed name.

3. Increase the fee from \$35 to \$50 for filing Form I-102, application for Arrival-Departure Record (Form I-94) or Crewman's Landing Permit (Form I-95), in lieu of one lost, mutilated, or destroyed.

4. Increase the fee from \$40 to \$75 for filing Form I-129F, petition to classify nonimmigrant as a fiancée or fiancé under section 214(d) of the Act.

5. Establish a fee of \$80 for filing Form I-129H, petition for temporary worker or trainee. This form replaces form I-129B, petition to classify nonimmigrant as temporary worker or trainee.

6. Increase the fee from \$50 to \$80 for filing Form I-129L, petition to employ intracompany transferee.

7. Increase the fee from \$40 to \$75 for filing Form I-130, petition to classify status of alien relative for issuance of immigrant visa under section 204(a) of the Act.

8. Increase the fee from \$45 to \$65 for filing Form I-131, application for issuance of reentry permit.

9. Increase the fee from \$50 to \$70 for filing Form I-140, petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act.

10. Increase the fee from \$50 to \$90 for filing Form I-191, application for advance permission to return to unrelinquished domicile.

11. Increase the fee from \$35 to \$85 for filing Form I-192, application for



advance permission to enter as nonimmigrant.

12. Increase the fee from \$50 to \$90 for filing Form I-193, application for waiver of passport and/or visa.

13. Increase the fee from \$45 to \$90 for filing Form I-212, application for permission to reapply for an excluded or deported alien, an alien who has fallen into distress and has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation.

14. Increase the fee from \$60 to \$120 for filing Form I-485, application for permanent residence status or for creation of lawful permanent residence for any applicant 14 years of age or older, and to \$95 for any applicant under the age of 14 years.

15. Increase the fee from \$60 to \$120 for filing Form I-485A, application by Cuban refugee for permanent residence for any applicant 14 years of age or older, and to \$95 for any applicant under the age of 14 years.

16. Increase the fee from \$35 to \$70 for filing Form I-506, application for change of nonimmigrant classification under section 248 of the Act.

17. Increase the fee from \$35 to \$70 for filing Form I-538, application by a nonimmigrant student (F-1) for an extension of stay.

18. Increase the fee from \$35 to \$70 for filing Form I-539, application for extension of stay of a nonimmigrant, other than one described in section 101(a)(15)(F) or 101(a)(15)(J) of the Act, and, upon a basis of reciprocity, a nonimmigrant described in section 101(a)(15)(A)(iii) or section 101(a)(15)(G)(v) of the Act.

19. Increase the fee from \$75 to \$140 for filing Form I-600, petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the Act. (When more than one petition is submitted by the same petitioner on behalf of orphans who are brothers or sisters, only one fee of \$140 will be required).

20. Increase the fee from \$100 to \$140 for filing Form I-600A, application for advance processing of orphan petition. (When more than one petition is submitted by the same petitioner on behalf of orphans who are brothers or sisters, only one fee of \$140 will be required).

21. Increase the fee from \$45 to \$90 for filing Form I-601, application for waiver of grounds of excludability under section 212 (h) or (i) of the Act. (Only a single application and fee of \$90 shall be required when the alien is applying simultaneously for a waiver under both subsections).

22. Increase the fee from \$50 to \$90 for filing Form I-612, application for waiver of the foreign residence requirement under section 212(e) of the Act.

23. Increase the fee from \$35 to \$65 for filing Form I-751, joint petition to remove the conditional basis of alien's permanent residence status.

24. Increase the fee from \$65 to \$85 for filing Form I-752, application for waiver of requirement to file joint petition for removal of conditions.

25. Increase the fee from \$35 to \$60 for filing Form I-765, application for employment authorization.

26. Increase the fee from \$50 to \$70 for filing Form N-300/315, for receiving and filing a declaration of intention.

27. Increase the fee from \$60 to \$90 for filing Form N-400, application to file petition for naturalization.

28. Increase the fee from \$50 to \$80 for filing Form N-402, application to file naturalization petition on behalf of child.

29. Increase the fee from \$50 to \$70 for filing Form N-405/407, petition for making, filing, and docketing a petition for naturalization.

30. Increase the fee from \$40 to \$90 for filing Form N-455, application for transfer of petition for naturalization under section 335(i) of the Act, except when transfer is of a petition for naturalization filed under the Act of October 24, 1968, Public Law 90-633.

31. Increase the fee from \$55 to \$90 for filing Form N-470, application for section 316(b) or section 317 of the Act benefits.

32. Decrease the proposed fee from \$85 to the original fee of \$50 for filing Form N-565, application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; or for a certificate of citizenship in a changed name under section 343 (b) or (d) of the Act.

33. Increase the fee from \$60 to \$90 for filing Form N-600, application for certificate of citizenship under section 309(c) or section 341 of the Act.

34. Establish a fee of \$85 for filing Form N-643, application for a certificate of citizenship in behalf of an adopted child.

35. Establish a fee in the amount of \$65 for adjudicating requests for parole into the United States. If granted, Form I-512, authorization for parole of an alien into the United States, will be completed by the INS.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule is not considered to be

a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

#### List of Subjects in 8 CFR Part 103

Administrative practice and procedures, Archives and records, Authority delegations (Government agencies), Privacy, Fees, Forms, Freedom of information, Reporting and recordkeeping requirements, Surety bonds.

Accordingly, part 103 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

#### PART 103—POWERS AND DUTIES OF SERVICE OFFICERS: AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 of title 8 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 8 U.S.C. 1101, 1103, 1201, 1301-1305, 1351, 1443, 1454, 1455; 28 U.S.C. 1746; 31 U.S.C. 9701; E.O. 12356, 3 CFR 1983 Comp., p. 166; 8 CFR part 2.

2. Section 103.7 is amended by revising certain fees in paragraphs (b)(1) and (b)(3); revising Forms I-485, I-485A and I-765 in paragraph (b)(1); removing Form I-129B from paragraph (b)(1); adding Form I-129H and Form N-643 to paragraph (b)(1); and adding an entry for "Request for Parole" to the end of paragraph (b)(1) to read as follows:

#### § 103.7 Fees.

(b) * * *	
(1) * * *	
Form I-17. * * *	—\$130.00.
Form I-90. * * *	—\$70.00.
Form I-102. * * *	—\$50.00.
Form I-129F. * * *	—\$75.00.
Form I-129H. For filing a petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act—\$80.00.	
Form I-129L. * * *	—\$80.00.
Form I-130. * * *	—\$75.00.
Form I-131. * * *	—\$65.00.
Form I-140. * * *	—\$70.00.
Form I-191. * * *	—\$90.00.
Form I-192. * * *	—\$85.00.
Form I-193. * * *	—\$90.00.
Form I-212. * * *	—\$90.00.

Form I-485. For filing application for permanent residence status or creation of a record of lawful permanent residence—\$120.00 for an applicant 14 years of age or older; \$95.00 for an applicant under the age of 14 years.

Form I-485A. For filing application by Cuban refugee for permanent



residence—\$120.00 for an applicant 14 years of age or older; \$95.00 for an applicant under the age of 14 years.

Form I-506. \* \* \* —\$70.00.

Form I-538. \* \* \* —\$70.00.

Form I-539. \* \* \* —\$70.00.

Form I-600. \* \* \* —\$140.00.

Form I-600A. \* \* \* —\$140.00.

Form I-601. \* \* \* —\$90.00.

Form I-612. \* \* \* —\$90.00.

Form I-751. \* \* \* —\$85.00.

Form I-752. \* \* \* —\$85.00.

Form I-765. For filing application for employment authorization pursuant to 8 CFR 274a.13. Applicants must pay a fee of sixty (\$60.00) dollars to be remitted in the form of cash, check, or money order.

Form N-400. \* \* \* —\$90.00.

Form N-402. \* \* \* —\$80.00.

Form N-455. \* \* \* —\$90.00.

Form N-470. \* \* \* —\$90.00.

Form N-600. \* \* \* —\$90.00.

Form N-643. For filing an application for a certificate of citizenship on behalf of an adopted child—\$85.00.

Request. For requesting authorization for parole of an alien into the United States—\$65.00.

Form N-300/315. \* \* \* —\$70.00.

Form N-405/407. \* \* \* —\$70.00.

Dated: March 22, 1991.

Dick Thornburgh,

Attorney General.

[FR Doc. 91-7246 Filed 3-26-91; 8:45 am]

BILLING CODE 4410-10-M

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 125

#### Breakout Procurement Center Representative Program

**AGENCY:** Small Business Administration.

**ACTION:** Final rule.

**SUMMARY:** The Small Business Administration (SBA) hereby amends its regulations governing the Breakout Procurement Center Representative Program at Federal Government procurement centers. These regulations implement the passage of the Small Business and Federal Procurement Competition Enhancement Act of 1984, which authorized the placement of SBA Breakout Procurement Center

Representatives at major procurement centers, and the Small Business Administration Reauthorization and Amendment Act of 1988, which further expanded the authority of such personnel. The purpose of these regulations is to advise Government personnel of the responsibilities that must be performed to implement the law.

**EFFECTIVE DATE:** This rule is effective April 26, 1991.

**FOR FURTHER INFORMATION CONTACT:** Roy Rodgers, Director, Office of Prime Contracts, (202) 205-6471.

**SUPPLEMENTARY INFORMATION:** On May 10, 1990, SBA published a notice in the Federal Register (55 FR 19633) which proposed rules regarding the Breakout Procurement Center Representative Program at Federal Government procurement centers. SBA received two (2) comments in response to the notice of proposed rulemaking. SBA analyzed those comments and changed the rules where appropriate. A summary of the key issues raised in the comments received, and the SBA actions in response to those issues, follows:

#### General Overview

SBA has decided to implement the proposed rule as published, with two exceptions. Breakout recommendations initiated during the early phases of the acquisition planning stage that are rejected by the program or engineering office can now be appealed to the Secretary of the Department concerned. In addition, when an appeal is made at the program or engineering level, the acquisition may not later be appealed at the contracting level. This does not affect the initiation of an appeal to the contracting officer, as currently provided in the FAR, for any acquisition not previously appealed at the program or engineering level.

#### Summary of Issues Raised by Public Comment

The two comments received were both from the Department of Defense (DOD). Both commenters expressed concern regarding increased administrative delays and the adverse impact on procurement lead times relating to multiple appeals by the Breakout Procurement Center Representative (BPCR). The commenters suggested that any appeals by the BPCR occur early in the acquisition planning process, prior to finalization of the solicitation package. Additional in-depth discussions between SBA and DOD resulted in an appeal process that meets both needs.

One comment suggested that SBA spend more time expanding subcontract

opportunities for small and small disadvantaged businesses. SBA has a formal Subcontracting Program, with Commercial Marketing Representatives (CMRs) stationed throughout the United States. Internal guidance for the Prime Contracts Program as well as the Subcontracting Program addresses networking and other aspects of interaction among PCRs and CMRs for the purpose of expanding subcontract opportunities for small and small disadvantaged businesses. There is no need to provide such instruction in these regulations.

**Compliance With Executive Order 12291, The Regulatory Flexibility Act (55 U.S.C. 601, et seq.) and 12612, The Paperwork Reduction Act (45 U.S.C. 601 CH 35)**

SBA certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601, et seq.). The regulation will directly affect only procurement personnel and no outside entities, large or small.

SBA has determined that this rule is a major rule within the meaning of Executive Order 12291 as it is likely to have an annual economic effect in excess of \$100 million. As such, SBA offers the following Regulatory Impact Analysis:

The regulation will have a major economic impact on the national economy. Currently, the Breakout PCRs covering the Department of Defense (DOD) are achieving substantial savings. During fiscal year 1989, SBA's Breakout Program was responsible for DOD locations achieving savings over \$160.7 million as a direct result of the introduction of competition. In addition, \$94.5 million was realized in "Other Documented Savings (ODS)." ODS are those efforts that result from Breakout PCR actions resulting from other than the introduction of competition, the relaxing of restrictive specifications or clauses, or from furnishing sources. A few examples of ODS opportunities would be the cancellation of a requirement, thus avoiding the expenditure of funds; the elimination of duplicate stockage points and associated procurements; or the recommendation of an engineering change which, when implemented by the center, results in a lower price to the Government.

It is anticipated that similar results will be achieved as additional Breakout PCRs are assigned to other major procurement centers. In addition to the financial savings, the Federal



Government will benefit from the broader scope of competition for Government contracts, greater access to technology and shorter production times.

There will be additional costs incurred by the Federal Government in establishing new Breakout Procurement Centers and in deciding appeals brought pursuant to the procedures established in this proposed regulation. The SBA is expected to experience the majority of additional costs related to implementing the provisions of these final rules. It is anticipated that these increased costs will not exceed \$4.8 million. The costs are likely to be largely in the area of program administration and personnel. These costs should be substantially less than the potential savings and other benefits which can be realized by the Federal Government through the Breakout program.

Pursuant to the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35, SBA certifies this final regulation will not impose additional recordkeeping or reporting requirements.

SBA certifies this final rule will not have federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

#### List of Subjects in 13 CFR Part 125

Government contracts, Government procurement, Reporting and recordkeeping requirements, Research, Small businesses, Technical assistance.

For the reasons set forth above, part 125 of title 13, Code of Federal Regulations is amended as follows:

#### PART 125—PROCUREMENT ASSISTANCE

1. The authority citation for part 125 is revised to read as follows:

**Authority:** Secs. 5(b)(6), 8 and 15 of the Small Business Act, as amended (15 U.S.C. 634(b)(6), 637 and 644); 31 U.S.C. 9701 and 9702.

##### § 125.4 [Amended]

2. Section 125.4(g)(2) is amended by removing the words "Select Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives" and adding the word "President" in lieu thereof.

3. Section 125.4 is amended by adding a new paragraph (j) to read as follows:

##### § 125.4 Statutory provisions summarized.

(j) Section 403 of Public Law 98-577 and section 110 of Public Law 100-590 provides:

(1) That SBA assign to each major procurement center, a Breakout

Procurement Center Representative (BPCR) and assign and co-locate at least two small business technical advisers to each major procurement center, in addition to such other advisers as may be authorized from time to time. The sole duties of such advisers shall be to assist the BPCR for the center to which such advisers are assigned in carrying out their functions. Such personnel shall be full-time employees of SBA, fully qualified, technically trained, and familiar with the supplies and services procured by the major procurement center to which they are assigned. In addition, each BPCR, and at least one technical adviser assigned to such representative, shall be an accredited engineer;

(2) That SBA, in conjunction with the Comptroller General of the United States, jointly establish standards for measuring cost savings and the extent to which competition has been increased through the efforts of the BPCR. These measures are the number of items broken out, dollar value of savings resulting from breakout, and dollar value of contracts awarded after breakout. Efforts that result from BPCR actions other than the introduction of competition, direct purchase from the original equipment manufacturer (OEM), the relaxing of restrictive specifications or clauses, or from the furnishing of sources added are considered to be other documented savings. Examples include recommending the cancellation of requirements, thereby avoiding the expenditure of funds; recommending the combining of requirements which result in less administrative costs as well as gaining a cost reduction due to the economy of scale or quantity discounts; interjecting the possibility of or threat of competition or reverse engineering which causes the contractor to lower his price; recommending an engineering change which, when implemented by the center, results in a lower price; and recommendations and/or actions by the BPCR that are used by the contracting officer during negotiations and results in lower prices to the Government;

(3) For purposes of this section, the term "major procurement center" means a procurement center that in the opinion of the Administrator of SBA, purchases substantial dollar amounts of other than commercial items and which has the potential to incur significant savings as the results of the placement of a BPCR.

##### § 125.6 [Amended]

3. Section 125.6 is amended by:

a. Redesignating paragraphs (a) through (p) as paragraphs (a) (1) through (16) respectively;

b. Adding the paragraph designation (a) and a heading to newly designated paragraph (a) immediately preceding the fourth sentence, which begins "The SBA has," of the introductory text and inserting the words "and agencies" after the words "Federal installations" in the first sentence of newly designated paragraph (a).

c. Inserting the word "traditional" before the words "procurement center representatives" and the letter "T" before the acronym "PCRs" each place such terms appear as follows:

§ 125.6(a) introductory text

§ 125.6(a)(9)

d. Adding its new paragraphs (b) and (c) to read as follows:

##### § 125.6 Government prime contracts assistance

(a) *Traditional Procurement Center Representative Program.* \* \* \*

(b) *Breakout Procurement Center Representative Program.* The Breakout Procurement Center Representative Program is authorized under section 15 of the Small Business Act, as amended (15 U.S.C. 644). A Breakout Procurement Center Representative (BPCR) is an advocate for the breakout of items for procurement through full and open competition, whenever appropriate, while maintaining the integrity of the system in which such items are used. A BPCR also advocates the use of full and open competition whenever appropriate, for the procurement of supplies and services at the center at which he/she is located. SBA BPCRs accomplish their mission in coordination with the Competition Advocates, Small Business Specialists, Technical Directors and Heads of contracting or procuring activities assigned to major procurement centers.

(1) In addition to carrying out the responsibilities assigned by SBA, a BPCR is authorized to:

(i) Attend any provisioning conference or similar evaluation session, during which determinations are made as to whether requirements are to be procured through other than full and open competition, and make recommendations with respect to such requirements to the members of such conference or session;

(ii) Review, at any time, restrictions on competition previously imposed on items through Acquisition Method Coding (AMC) or similar procedures, and recommend to personnel of the procurement center the prompt reevaluation of such limitations;



(iii) Review restrictions on competition arising out of restrictions on the rights of the United States to technical data, and, when appropriate, recommend review of the validity of such an asserted restriction;

(iv) Obtain from any Government source, and make available to personnel of the procurement center, technical data necessary for the preparation of the competitive solicitation package for any item of supply or service previously procured noncompetitively due to the unavailability of such technical data;

(v) Have access to procurement records and other data of the procurement center commensurate with level of such representative's approved security clearance classification;

(vi) Receive unsolicited engineering proposals and, when appropriate, conduct a value analysis of such proposals to determine whether such proposals, if adopted, will result in lower costs to the United States without substantially impeding legitimate acquisition objectives and forward to personnel of the appropriate activity recommendations with respect to such proposal, or forward such proposals without analysis to personnel of the activity responsible for reviewing such proposals and who shall furnish the BPCR with information regarding the disposition of any such proposal;

(vii) Review the systems that account for the acquisition and management of technical data within the procurement center to assure that such systems provide the maximum availability and access to data needed for the preparation of offers to sell to the United States those supplies to which such data pertain and which potential offerors are entitled to receive; and

(viii) Appeal the failure to act favorably on any recommendation made in accordance with the responsibilities described herein to the Secretary of the Department or head of the agency, as appropriate, through the Associate Administrator for Procurement Assistance (AA/PA), who is the authorized designee of the Administrator of SBA.

(2) SBA BPCRs are required to: (i) Conduct familiarization sessions, as appropriate, for contracting officers and other appropriate personnel of the procurement center to which assigned. Such sessions shall acquaint the participants with the duties and objectives of the BPCRs and shall instruct them in methods designed to further the breakout of items for procurement through full and open competition; and

(ii) Prepare and personally deliver an annual briefing and report to the head of

the procurement center to which the BPCR is assigned. Such briefing and report shall detail the past and planned activities of the BPCR and shall contain recommendations for improvement in the operation of the center as may be appropriate. The head of such center shall personally receive the briefing and report and shall, within 60 calendar days after receipt, respond, in writing, to each recommendation made by the Breakout PCR.

(c) *Rejection of SBA recommendations.* BPCRs may initiate the breakout process during the early phases of the acquisition process and continue the process during the life of an item, part, component, or system. Recommendations may be made anytime during the acquisition process at which the BPCR becomes aware that the procurement of a part or system may be amenable to full and open competition. The breakout acquisition planning appeal process begins with the recommendation by the BPCR to the program or engineering office responsible for determining the feasibility of acquiring the item(s), part(s), component(s), or system(s) through competitive procedures or direct purchase from actual manufacturers.

(1) If the program or engineering manager rejects an SBA breakout recommendation, written notice shall be furnished to the BPCR within five (5) business days of the program/engineering manager's receipt of the recommendation.

(2) The BPCR may appeal the program/engineering manager's rejection to the Head of the Program or Engineering Directorate within five (5) business days after receiving the notice. This level of authority may or may not be resident at the installation or activity where the breakout recommendation was made. The Head of the Program or Engineering Directorate shall render a decision in writing to the BPCR within ten (10) business days. Pending issuing the decision to the BPCR the program or engineering manager shall suspend the action of the acquisition planning process.

(3) The BPCR may appeal the Head of the Program or Engineering Directorate's rejection to the Head of the Contracting Activity (or designee) within two (2) business days after receiving the notice. The Head of the Contracting Activity (or designee) shall render a decision in writing and provide it to the BPCR within seven (7) business days. Pending issuance of a decision to the BPCR, the Head of the Contracting Activity (or designee) shall suspend the action of the acquisition planning process.

(4) If the rejection is sustained, the BPCR may proceed with further appeal action to the Secretarial level in accordance with the process and timeframes contained in FAR section 19.505(c) (48 CFR 19.505(c)).

(5) The BPCR may initiate an appeal at the contracting officer's level any acquisition not previously appealed at the program or engineering level.

Dated: February 19, 1991.

Susan S. Engeleiter,  
Administrator.

[FR Doc. 91-7137 Filed 3-26-91; 8:45 am]

BILLING CODE 5025-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 90-NM-266-AD; Amdt. 39-6957]

#### Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, which requires inspection for wire chafing; repair, if necessary; and modification of wire bundle routing within the P33 (miscellaneous relay) panel. This proposal is prompted by reports of burned wiring in the P33 panel caused by wire chafing. This condition, if not corrected, could result in loss of various systems' capabilities, release of smoke into the airplane, and the possibility of fire.

**EFFECTIVE DATE:** May 6, 1991.

**ADDRESSES:** The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Slotte, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-1308; telephone (206) 227-2797. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.



**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to certain Boeing Model 757 series airplanes, which would require inspection for wire chafing; repair, if necessary; and modification of the wire bundle routing within the P33 (miscellaneous relay) panel; was published in the *Federal Register* on January 8, 1991 (56 FR 656).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

Both commenters supported the adoption of the proposed rule. Paragraph B. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternative methods of compliance.

The economic analysis paragraph, below, has been revised to increase the specified hourly labor rate from \$40 per manhour (as was cited in the preamble to the Notice) to \$55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither significantly increase the economic burden on any operator nor increase the scope of the rule.

There are approximately 209 Model 757 series airplanes of the affected design in the worldwide fleet. It is estimated that 126 airplanes of U.S. registry will be affected by this AD, that it will take approximately one manhour per airplane to accomplish the required actions, and that the average labor cost will be \$55 per manhour. The cost of required parts per airplane is estimated to be \$20. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$9,450.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 757 series airplanes, line numbers 001 through 209, certificated in any category. Compliance required within 90 days after the effective date of this AD, unless previously accomplished.

To prevent the loss of various systems capabilities, release of smoke into the airplane, and possibility of fire, accomplish the following:

A. Install a wire bundle stand-off in accordance with Boeing Service Bulletin 757-24-0061, dated November 15, 1990. Visually inspect the wires in wire bundles W1232 and W1234 around the area of the placement of the new stand-off for signs of chafing. Any wire found damaged must be replaced or repaired prior to further flight.

B. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate

service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This amendment becomes effective May 8, 1991.

Issued in Renton, Washington, on March 20, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-7176 Filed 3-26-91; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 90-CE-10-AD; Amendment 39-6927]

#### Airworthiness Directives; Cessna Model 172 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action revises Airworthiness Directive (AD) 90-06-03, Amendment 39-6528, which currently requires the modification of the exhaust heater/muffler area on certain Cessna Model 172 airplanes. This action corrects the criteria for a pressure test of the muffler from 50 pounds per square inch (p.s.i.) to 5 pounds p.s.i. The actions specified in this revised AD are intended to prevent cracking of the exhaust heater/muffler that could result in dangerous carbon monoxide levels.

**EFFECTIVE DATE:** March 27, 1991.

**ADDRESSES:** Cessna Single-Engine Service Letter (SL) 170/172-11, dated February 3, 1958, Cessna Single-Engine SL 170/172-13, dated April 7, 1958, and Cessna Service Kit SK-172-10A that are discussed in this AD may be obtained from the Cessna Aircraft Corporation, P.O. Box 7704, Wichita, Kansas 67277. The service letters may be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Mr. Victor Powell, Aerospace Engineer, Wichita Aircraft Certification Office, Mid-Continent Airport, 1801 Airport Road, Room 100, Wichita, Kansas 67209; Telephone (316) 946-4440.

**SUPPLEMENTARY INFORMATION:** Airworthiness Directive (AD) 90-06-03, Amendment 39-6528 (55 FR 8116, March 7, 1990), currently requires inspections of the exhaust/heater muffler assembly for



cracks in accordance with the procedures outlined in Cessna Service Letter (SL) 170/172-11, dated February 3, 1958, and Cessna SL 170/172-13, dated April 7, 1958. Paragraph (a) (2) of this AD specified submerging the muffler in water and pressure testing at 50 pounds per square inch (p.s.i.). The correct criteria for this pressure test should have been 5 pounds p.s.i., but was inadvertently published as 50 pounds p.s.i. The FAA has determined that AD 90-06-03 should be revised and reissued with the above change incorporated.

This action corrects an error in a final rule by providing the correct criteria for a required inspection and does not add inspection criteria or impose any additional burden (financial or otherwise) upon the public. For these reasons, it is found that notice and public procedure are hereon unnecessary and that good cause exists for making this amendment effective upon publication in the *Federal Register*.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

#### § 39.13 [Amended].

2. Section 39.13 is amended by revising and reissuing AD 90-06-03, Amendment 39-6528 (55 FR 8116, March 7, 1990), and reissuing with the following:

90-06-03 R1 **Cessna:** Amendment 39-6927; Docket No. 90-CE-10-AD. Applicability: Model 172 airplanes (serial numbers 36216 through 36769) that have not been modified with Cessna Service Kit SK-172-10 or SK-172-10A, certificated in any category. Compliance: Required within the next 25 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent cracking of the exhaust heater/muffler that could result in dangerous carbon monoxide levels, accomplish the following:

(a) Inspect the exhaust heater/muffler assembly for cracks in accordance with the procedures as outlined in the applicable Cessna Service Manuals, or the following:

(1) Remove and disassemble the exhaust heater/muffler assembly by removing the shroud assembly.

(2) Visually inspect the exhaust heater/muffler, Cessna Part Number 0550157-32, for cracks, or submerge the muffler in water and pressure test at 5 pounds p.s.i.

**Note 1:** Particular attention should be given to the cylindrical surface that contains the heat transfer pins.

(3) If cracks, breaks, or any leakage is found in the exhaust heater/muffler area, prior to further flight, replace the exhaust heater/muffler with an airworthy part.

(b) Modify the airplane by the installation of Cessna Service Kit SK-172-10A.

**Note 2:** Cessna Service Letter (SL) 170/172-11, dated February 3, 1-958, and Cessna SL 170/172-13, dated April 7, 1958, contain information that pertains to the subject of this AD.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished provided that the cabin air control remains in the "OFF" position.

(d) An alternate method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, Mid-Continent Airport, 1801 Airport Road, room 100, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Cessna Aircraft Corporation, P.O. Box 7704, Wichita, Kansas 67277; or may examine the service letters at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

This amendment amends AD 90-06-03, Amendment 39-6528.

This amendment becomes effective on March 27, 1991.

Issued in Kansas City, Missouri, on February 22, 1991.

**Henry A. Armstrong,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 91-7175 Filed 3-26-91; 8:45 am]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 39

[Docket No. 90-ANE-23; Amdt. 39-6954]

#### Airworthiness Directives; General Electric (GE) CT58-140-1 Turboshaft Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to GE CT58-140-1 turboshaft engines, which requires a one-time removal and inspection of certain gas

generator (GG) turbine rotor parts and power turbine (PT) wheels. This amendment is prompted by the report of inadvertent shotpeening of those parts during overhaul by H&S Aviation, Division 3 (Formerly Hants & Sussex), Portsmouth, England, between March 14, 1989, and August 21, 1989. This condition, if not corrected, could result in an uncontained engine failure.

**EFFECTIVE DATE:** April 26, 1991.

**ADDRESSES:** The applicable service information may be obtained from GE, 1000 Western Avenue, Lynn, Massachusetts 01910, or may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, room 311, 12 New England Executive Park, Burlington, Massachusetts.

#### FOR FURTHER INFORMATION CONTACT:

Karen M. Grant, Engine Certification Office, ANE-140, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5299; telephone (617) 273-7087.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (FAR) to include a new airworthiness directive, applicable to GE CT58-140-1 turboshaft engines, which requires a one-time removal and inspection of certain GG turbine rotor parts and PT wheels, was published in the *Federal Register* on November 5, 1990 (55 FR 46528).

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received in response to the proposal.

The commenter suggested adding the part number to the parts listed as additional information to readily identify the affected parts. The FAA concurs with the commenter and has revised the AD accordingly.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 15 parts on 5 engines of the affected design in the worldwide fleet. The FAA has been informed that H&S Aviation has agreed to provide overhaul shop labor to remove, inspect, and reidentify unaffected parts at no cost to the operator. The FAA has also been



informed that H&S Aviation has agreed to replace those parts which were inadvertently shotpeened, at no extra charge to the operator.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will

not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends 14 CFR part 39 of the Federal Aviation Regulations (FAR) as follows:

#### PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended].

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

**General Electric Company:** Applies to General Electric Company (GE) CT58-140-1 turboshaft engines overhauled by H&S Aviation, Division 3 (Formerly Hants and Sussex), Portsmouth England, between March 14, 1989, and August 21, 1989, installed on, but not limited to, Sikorsky S-61 and Boeing V107 aircraft. The affected parts are identified by part number (P/N) and serial number (S/N) and are installed in engines with S/N, as follows:

Engine S/N	Part name	P/N	Part S/N
295235	Stage 1 forward cooling plate	37C30005P101	BJWTMS 7732
	Stage 1 aft cooling plate	3002T25P01	BJWTMS 6649
	Stage 2 forward cooling plate	3000T88P02	ASVA 3663
	Stage 2 aft cooling plate	3002T27P01	ASVA 0125
	Power turbine (PT) wheel & shaft	5002T30P01	GAT 59510
295206	Stage 1 turbine wheel	4002T17P02	GATBK 483
	Stage 2 turbine wheel	4002T96P02	GATFE 352
280326	Stage 2 turbine wheel	4002T96P02	GATL 2835
	PT wheel and shaft	5002T30P01	GAT 59722
280218	PT wheel and shaft	5002T30P01	GAT 59692
280294	Stage 1 forward cooling plate	37C30005P101	BJWTMS 7663
	Stage 1 aft cooling plate	3002T25P01	BJWTMS 5778
	Stage 2 forward cooling plate	3000T88P02	BJWTMS 5951
	Stage 2 aft cooling plate	3002T27P01	BJWTMS 7356
	Stage 2 turbine wheel	4002T96P02	GATL 092

Compliance is required as indicated, unless already accomplished.

To prevent failure of suspect gas generator (GG) turbine rotor parts and power turbine (PT) wheels, which may have a reduced low cycle fatigue life due to inadvertent shotpeening which could result in an uncontained engine failure, remove and inspect all surfaces of GG turbine rotor parts and PT wheels identified above by 20x microscope as follows:

(a) Part S/N BJWTMS 7732, BJWTMS 6649, ASVA 3663, ASVA 0125, and GAT 59510, prior to accumulating 5,853 cycles since new (CSN).

(b) Part S/N GATBK 483, and GATFE 352, prior to accumulating 5,249 CSN.

(c) Part S/N GATL 2835, prior to accumulating 10,792 CSN.

(d) Part S/N GAT 59722, prior to accumulating 10,856 CSN.

(e) Part S/N GAT 59692, prior to accumulating 9,660 CSN.

(f) Part S/N BJWTMS 7663, BJWTMS 5778, BJWTMS 5951, BJWTMS 7356, and GATL 092, prior to accumulating 5,696 CSN.

(g) Remove from service parts found with evidence of shotpeening and replace with a serviceable part. Reidentify parts found with no evidence of shotpeening prior to return to service.

Note: GE Alert Service Bulletin CT58 A72-173 (CEB-275), contains information in reference to paragraphs (a) through (g) above.

(h) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(i) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternate method of compliance with the requirements of this AD or adjustments to the compliance schedule specified in this AD may be approved by the Manager, Engine Certification Office, ANE-140, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5299.

All persons affected by this directive who have not already received the appropriate alert service bulletin from the manufacturer may obtain copies upon request to GE Aircraft Engines, 1000 Western Avenue, Lynn, Massachusetts 01910. These documents may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, room 311, 12 New England Executive Park, Burlington, Massachusetts.

This amendment becomes effective April 28, 1991.

Issued in Burlington, Massachusetts, on March 14, 1991.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 91-7174 Filed 3-26-91; 8:45 am]

BILLING CODE 4910-13-M

#### Office of the Secretary

[Docket No. 46891; Amendment No. 241- ]

RIN 2137-AB57

#### 14 CFR Part 241

**Aviation Economic Regulations; Revision of RSPA Form 41 Reporting by Large Certificated Air Carriers; Statement of Cash Flows, Aircraft Inventory Data, Air Carrier Groupings**

**AGENCY:** Department of Transportation, Office of the Secretary.

**ACTION:** Final rule.

**SUMMARY:** This final rule reduces the reporting burden for large certificated



air carriers by enabling them to follow generally accepted accounting principles in reporting changes in financial position on a cash flow basis. The rule also reduces the overall level of reporting burden by revising the level of annual operating revenues used to group air carriers for the purpose of denoting the level of an air carrier's Form 41 reporting obligation. The effect of this change is to adjust the collection of Form 41 data so as to achieve a higher correlation between the size of an air carrier's operations and its reporting obligations. This action further adjusts the Form 41 data collection to ensure the availability of the data needed by the Department in administering its aviation responsibilities by adding two new data elements to the collection of aircraft inventory data. Finally, this rule will enable air carriers to take advantage of technological advances in the transmission of Form 41 data to the Department.

**EFFECTIVE DATE:** July 1, 1991.

**FOR FURTHER INFORMATION CONTACT:** M. Clay Moritz, Jr. or Jack M. Calloway, Office of Airline Statistics, DAI-1, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001, (202) 366-4385 or 366-4383, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

In a notice of proposed rulemaking (NPRM) issued April 11, 1990 (55 FR 14296, April 17, 1990), the Department proposed to reduce the reporting burden associated with filing financial and statistical operating data on RSPA Form 41, "Report of Financial and Operating Statistics for Large Certificated Air Carriers," by large certificated air carriers. At the same time, the Department proposed certain changes in the information collected on Form 41 so as to ensure the availability of the aviation data it requires to effectively administer its aviation responsibilities. Finally, the Department proposed to modify its reporting requirements so as to enable affected air carriers to reduce the degree of burden associated with the physical submission of the various recurrent Form 41 schedules by taking advantage of recent advances in data transmission technology.

Essentially, the Department proposed to:

1. Change Form 41 Schedule B-12, "Statement of Changes in Financial Position," from a funds flow to a cash flow format in order to enable air carriers to report changes in financial position on the same basis for both

financial and regulatory reporting purposes;

2. Modify the collection of aircraft inventory data to provide information on the age of aircraft. This would be accomplished by changing Form 41 Schedules B-7, "Airframe and Aircraft Engine Acquisitions and Retirements" and B-43, "Inventory of Airframes and Aircraft Engines" to include, for each airframe, the manufacture's serial number and year of first delivery;

3. Revise upward the revenue levels used to group air carriers for the purpose of defining their specific Form 41 reporting requirements; and

4. Modify the current regulations for submitting reports to the Department under part 241 by allowing large certificated air carriers to submit their recurrent Form 41 schedules via telefacsimile, or fax, transmission.

**Public Comments**

The Department has decided to finalize, as proposed, its revisions to the uniform large certificated air carrier accounting and reporting provisions. Public comments in response to the NPRM were filed by American Airlines, Inc., Continental Airlines, Inc., and the Air Line Pilots Association International (ALPA). Each of the comments filed supported the adoption of the proposed changes; however, Continental and ALPA did suggest certain modifications to the proposed rule. These modifications are discussed below.

**Air Carrier Groupings**

As stated in the NPRM, large certificated air carriers are currently categorized, based on their level of total annual operating revenues, into three air carrier groupings: Group I, Group II and Group III. Group I air carriers are further subgrouped into Group I (Large) and Group I (Small). The purpose of the different carrier groupings is to achieve a close correlation between the size of a carrier's operations and its level of reporting. No comments were filed objecting to the proposed changes in revenue levels. Accordingly, the Department will adopt, without change, the proposed operating revenue levels, by carrier group, that are shown below.

Carrier Category	Total Annual Operating Revenues
Group III .....	\$1,000,000,001 +
Group II .....	\$100,000,001-\$1,000,000,000
Group I (Large) .....	\$20,000,000-\$100,000,000
Group I (Small) .....	Below \$20,000,000

While ALPA did not object to the revised revenue levels, it did comment on the reporting changes that result from certain carriers moving from the Group III category to the Group II category based on the above operating revenue boundaries. Specifically, ALPA objects to the fact that Alaska Airlines, Hawaiian Airlines, and Midway Air Lines will no longer be required to file, as a result of this rulemaking, Form 41 Schedule P-7, "Operating Expenses by Functional Groupings—Group III Air Carriers."

In its comments, ALPA notes that Schedule P-7 contains the carriers' indirect operating costs and states that since it represents the pilots of Alaska, Midway, and Hawaiian, ALPA considers access to P-7 data to be essential for carrying out its responsibility for assessing air carrier operating expenses in balancing the carriers' proposals in contract negotiations. In summarizing its comments, ALPA urges the Department to modify its reporting requirements so as to require Group II air carriers to file Schedule P-7. In further support, ALPA states its belief that the expansion to \$1 billion of the upper total annual operating revenue limit for the Group II category of air carriers is sufficient justification for imposing the Schedule P-7 filing requirement.

In considering the merits of ALPA's comments, the Department is guided by the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-354, September 19, 1980), which limits the collection of data to the level of information required by the Department to effectively administer its statutory responsibilities. In developing the rulemaking proposal, the Department evaluated its information requirements and concluded that Schedule P-7 is not required for any aviation programs, except only in one instance, that would involve the carriers subject to the Group II level of reporting. The sole exception, as stated in the NPRM, is that Alaska Airlines would be directed to continue filing Schedule P-7, which is required for setting the level of intra-Alaska mainline mail rates.

In sum, the Department does not have a valid regulatory requirement for collecting Schedule P-7 from Group II air carriers, with the exception of Alaska Airlines. Therefore, based on the preceding discussion, the Department has decided not to adopt ALPA's suggestion that Form 41 Schedule P-7 be required from Group II air carriers. The Department would like to point out, however, that ALPA does have access to the indirect costs of Group II air



carriers, which are reported on Form 41 Schedule P-8, "Operating Expenses by Objective Groupings."

#### Reporting Groups

The increase in the revenue parameters for determining air carrier groupings as stipulated in this final rule will require reporting groups changes for some carriers. Those carriers whose group designation will be reduced (Group III to a Group II, etc.) may request a waiver to continue reporting at the higher group. Before making such a request, a carrier should determine the effect of the reporting change on burden—whether the short-term effect outweighs the long-term. An example of the short-term effect for an air carrier would be the burden involved in changing its reporting system from a Group III to a Group II. The long-term effect would be the reporting burden involved in filing the additional schedules at the higher group level. The group designation specifies the minimum reporting requirements for a carrier. If a carrier believes that it is in its best interests to file at the higher level, the Department would be amenable to granting requests for a waiver to permit the change in reporting.

#### FAX Transmissions

In the rulemaking proposal, the Department proposed modifying section 21, "Introduction to System of Reports," to part 241 to enable air carriers to submit recurrent hardcopy Form 41 schedules using telefacsimile, or fax, equipment. Under the proposed revisions, air carriers must, as in the case of computer prepared reports, obtain prior approval from the Department's Office of Airline Statistics. By obtaining prior approval, the carrier would agree that its fax transmission of either Form 41 Schedule A or Schedule B-1.1, including the certifying signature, is a legally binding copy of its original certification statement. While the regulations provided that submissions conform to an 8½ x 14 inch size, provision was also made that, with prior approval, larger sized scheduled could be reduced to 8½ x 14 for transmission to the Department.

Continental commented specifically in support of adopting the proposed regulations enabling the use of fax for submitting Form 41 schedules. In its comments, Continental requested permission to use fax equipment for submitting its recurrent hardcopy Form 41 schedules, with the understanding that the submissions will conform to an 8½ x 14 size. Further, Continental recommended that the Department accept submissions of Form 41

schedules via computer media such as diskettes, magnetic tape, or direct electronic data transfers to the Department's data files, asserting that this would reduce the time and reporting burden on the carriers even more than the use of fax transmissions.

As to Continental's request for permission to submit its recurrent Form 41 schedules via fax, this rulemaking proceeding is not the proper forum in which to address individual air carrier waiver requests. Requests for waiver from the provisions of part 241 should be addressed, in writing, to the Director, Office of Airline Statistics, in accordance with the provisions of section 1-2, "Waivers from this System of Accounts and Reports" (14 CFR part 241.1-2). After the issuance of this final rule, the Office of Airline Statistics plans to issue an Accounting and Reporting Directive summarizing the provisions of this rule, including how to obtain permission to use fax as well as guidelines for the preparation of documents for submission via fax.

Regarding Continental's suggestion that the Department consider accepting air carrier Form 41 submissions via computer media (such as diskettes, magnetic tape, or direct electronic data transfers to the Department's data files), it should be noted that the Department began a pilot project in 1987 to test the feasibility of collecting Form 41 schedules on floppy diskettes. The announcement of the project was contained in a final rule modifying the Form 41 data collection (52 FR 9127, March 23, 1987). One significant result of this project is the collection of Form 41 Schedule T-100 data on either magnetic tape or floppy diskettes. The Department hopes that this program can be expanded, as its resources permit, to include other Form 41 submissions. Furthermore, the Department also intends, in the future, to explore the issue of utilizing direct electronic data transfers to the Department's Form 41 data bases.

#### Department Regulatory Policies and Procedures

Executive Orders 12291, 12612 and 12630; Department's Regulatory Policies and Procedures; Regulatory Flexibility Act; and Paperwork Reduction Act of 1980.

This action has been reviewed under Executive Order 12291, and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of \$100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, state or local governments, agencies or geographic

regions. Furthermore, this rule would not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This regulation would result in a net reduction in reporting burden for large certificated air carriers. Accordingly, a regulatory impact analysis is not required.

This action has been analyzed in accordance with the principles and criteria contained in Executive Orders 12612 and 12630 and it has been determined that the final rule: (1) Does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment and (2) does not pose the risk of a taking of constitutionally protected private property.

This final regulation is not significant under the Department's Regulatory Policies and Procedures, dated February 26, 1979. Its economic impact should be minimal and a full regulatory evaluation is not required. The burden of reporting the two aircraft inventory data elements is not significant, because the data are readily accessible to the affected air carriers. Furthermore, the revision to Form 41 Schedule B-12 will benefit air carriers by eliminating the need for accumulating accounting information for two different methods of reporting changes in financial position: Cash flow reporting and funds flow reporting.

I certify that this rule will not have a significant economic impact on a substantial number of small entities. For purposes of its aviation economic regulations, Departmental policy categorizes certificated air carriers operating small aircraft (60 seats or less or 18,000 pounds maximum payload or less) in strictly domestic service as small entities for purposes of the Regulatory Flexibility Act. These finalized amendments will affect only large certificated air carriers.

The reporting requirements in this final rule are subject to the Paperwork Reduction Act, Public Law 96-511, 44 U.S.C. chapter 35. A request for clearance of these requirements was approved by the Office of Management and Budget (OMB) on June 13, 1990. OMB clearance is effective through June 30, 1993. It is anticipated that this rule will result in a total reduction of 1,660 hours in the Department's Information Collection Budget for OMB No. 2138-0013, Report of Financial and Operating Statistics for Large Certificated Air Carriers. Of this total, 361 hours of burden reduction has been attributed to



the Department's Information Collection Budget for fiscal year 1990. The 361 hours represents the estimated burden hour reduction resulting from the Department granting waivers, during fiscal year 1990, to air carriers to enable them to file a cash flow statement in lieu of the existing funds flow statement reporting requirement. The remaining 1,299 estimated hours of burden reduction attributable to this final rule will be reflected in the Department's Information Collection Budget for fiscal year 1991. Any comments regarding this burden estimate or any aspect of these information requirements, including suggestions for reducing the reporting burden, may be sent to:

Director, Office of Airline Statistics,  
DAI-1,  
U.S. Department of Transportation,  
Research and Special Programs  
Administration,  
400 Seventh Street, SW.,  
Washington, DC 20590-0001  
and  
Office of Information and Regulatory  
Affairs,  
DOT/RSPA Desk Officer,  
Office of Management and Budget,  
Washington, DC 20503.

#### Regulatory Identification Number

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

#### List of Subjects in 14 CFR Part 241

Air carriers and Uniform System of Accounts and Reports.

#### Final Rule

#### PART 241—[AMENDED]

Accordingly, the Department of Transportation amends 14 CFR part 241, Uniform System of Accounts and Reports for Large Certificated Air Carriers, as follows:

1. The authority for part 241 continues to read as follows:

Authority: Sections 204, 401, 407, 416, 417, 901, 902, 1002 of the Federal Aviation Act of 1958, as amended; 49 U.S.C. 106, 1324, 1371, 1377, 1386, 1387, 1471, 1472 and 1482.

2. Section 04, Air Carrier Groupings, is amended by revising the text to read:

(a) All large certificated air carriers are placed into three basic air carrier groupings based upon their level of operations and the nature of these

operations. In order to determine the level of operations, total operating revenues for a twelve-month period are used. The following operating revenue ranges are used to establish air carrier groupings:

Carrier Group	Total Annual Operating Revenues
I.....	0-\$100,000,000
II.....	\$100,000,001-\$1,000,000,000
III.....	\$1,000,000,001 +

For reporting purposes, Group I air carriers are further divided into two subgroups: (1) Air carriers with total annual operating revenues from \$20,000,000 to \$100,000,000 and (2) Air carriers with total annual operating revenues below \$20,000,000.

(b) Both the criteria for establishing air carrier groupings and the assignment of each air carrier to a specific group of carriers will be reviewed periodically by the Director, Office of Airline Statistics, to assure the maintenance of appropriate standards for the grouping of carriers. When an air carrier's level of operations passes the upper or lower limit of its currently assigned carrier grouping, the carrier is not automatically transferred to a different group and a new level of reporting. The Office of Airline Statistics will issue an updated listing of the carrier groups on an annual basis. A carrier may petition for reconsideration of its assigned carrier grouping or request a waiver from the accounting and reporting requirements that are applicable to a particular group under the provisions of section 1-2 of this Uniform System of Accounts and Reports.

3. Section 21, Introduction to System of Reports, is amended by revising paragraphs (e) and (f) to read:

#### § 21 Introduction to System of Reports.

(e) Upon approval by the Director, Office of Airline Statistics, a carrier may:

(1) Supply its own computer prepared formats provided each schedule conforms with the size and format of the forms prescribed in this part.

(2) Use telefacsimile, or fax, equipment to submit the forms prescribed by this part; however, forms transmitted by fax must conform to an 8½ x 14 inch size. With prior approval, larger forms may be reduced in size of 8½ x 14 for transmission to the Department.

(f) In submitting each schedule prescribed by this part to the Department, each reporting air carrier shall adhere to the following guidelines:

(1) A good quality black ribbon shall be used in preparing the original copy of each schedule.

(2) In no event shall any information be typed on the reverse side of copies submitted to the Department.

(3) Except as provided for in paragraph (e) of this section, no photocopy or similar process shall be used.

4. Section 23, Certification and Balance Sheet Elements, is amended by A. Revising the reporting instructions for Schedule A to read:

#### Schedule A—Certification

(a) The certification of the RSPA Form 41 Report shall be signed by an elective corporate officer, executive, or director. Other persons may be authorized by the carrier to sign the certification provided a written authorization disclosing the individual's name and title is forwarded to the Department of Transportation. Since corrections or revisions of reported data are a part of the RSPA Form 41 Report, all correspondence relating to such matters shall be signed only by the person(s) authorized to sign the certification.

(b) The certification of the Form 41 reports, embodied in Schedule A thereof, shall read as follows:

I, the undersigned (Title of officer in charge of accounts) \_\_\_\_\_ of the (Full name of the reporting company) \_\_\_\_\_ do certify that this report and all schedules, ADP-media submissions, Passenger Origin-Destination Survey submissions and supporting documents which are submitted herewith or have been submitted heretofore as parts of this report filed for the above indicated period have been prepared under my direction; that I have carefully examined them and declare that they correctly reflect the accounts and records of the company, and to the best of my knowledge and belief are a complete and accurate statement, after adjustments to reflect full accruals, of the operating revenues and expenses, income items, assets, liabilities, capital, retained earnings, and operating statistics for the periods reported in the several schedules, the Schedule T-100 ADP-media submissions, and the Passenger Origin-Destination Survey; that the various items herein reported were determined in accordance with the Uniform System of Accounts and Reports for Large Certificated Air Carriers prescribed by the Department of Transportation; and that the data contained herein are reported on a basis consistent with that of the preceding report except as specifically noted in the financial and statistical statements.



B. Revising paragraph (a) of the reporting instructions for Schedule B-1 to read:

*Schedule B-1—Balance Sheet*

(a) This schedule shall be filed by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of \$20 million or more.

C. Revising paragraph (a) of the reporting instructions for Schedule B-1.1 to read:

*Schedule B-1.1—Balance Sheet*

(a) This schedule shall be filed semiannually by Group I air carriers with annual operating revenues below \$20 million.

D. Revising paragraphs (d), (e), (f), (g), (h) and (i) and adding new paragraphs (j) and (k) to the reporting instructions for Schedule B-7 to read:

*Schedule B-7—Airframe and Aircraft Engine Acquisitions and Retirements*

(d) Column 1, "Year of First Delivery—Airframe," shall reflect, for each reported airframe, the year that the airframe was first delivered by its manufacturer.

(e) Column 2, "Airframe Manufacturer's Serial Number," shall reflect the serial number assigned to each reported airframe by its manufacturer.

(f) Column 4, "Acquisitions or Retirements," shall be used to indicate, for each item entered, whether it represents an acquisition or retirement. This shall be indicated by inserting in Column 4 an "A" for acquisition or an "R" for retirement.

(g) Column 8, "Maximum Seating Capacity," shall reflect the number of passenger seats installed in each airframe acquired. When airframes are designed for multiple adjustable seating configurations, the maximum number of seats for which designed shall be reported. When the seating configuration of airframes is modified subsequent to original acquisition, the revised passenger capacity of each airframe shall be reported in the quarter in which modified and referenced to identify original capacity reported.

(h) Column 9, "Cost," shall reflect the book cost of reported airframe and aircraft engine acquisitions and retirements.

(i) Column 10, "Amortization/Depreciated Cost," shall reflect the book cost, less amortization or depreciation expense, for airframes and aircraft engines that have been retired.

(j) Column 11, "Realization," shall reflect the proceeds from the disposition

of airframes and aircraft engines, including any insurance proceeds.

(k) Column 12, "Acquired From/Disposition," shall reflect: (1) for acquisitions: the name of the person or organization from which airframes and aircraft engines are acquired and (2) for dispositions (retirements): the name of the person or organization to which airframes and aircraft engines are sold or a notation as to the nature of the retirement and the account to which any depreciated cost has been charged, if not sold. Items included in accounts 1607, 1608, 1707, and 1708, sold as a part of an airframe or aircraft sales transaction, shall also be identified by the name of the buyer. Other sales of items included in these accounts shall be reported in a separate group in aggregate for each property account affected.

E. Revising the title and reporting instructions for Schedule B-12, *Statement of Changes in Financial Position*, to read:

*Schedule B-12—Statement of Cash Flows*

(a) This Schedule shall be filed quarterly by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of \$20 million or more.

(b) This schedule shall be filed for the overall or system operations of the air carrier.

(c) The statement of cash flows shall separately disclose the amount of net cash provided or used during the reporting period from the carrier's operating activities, investing activities and financing activities. The effect on cash and cash equivalents of the total amount of net cash provided or used during the quarter from each of the above activities shall be clearly disclosed so as to reconcile beginning and ending cash and cash equivalents.

(d) Carriers may use either the direct or indirect method of reporting cash flows. Under either method, the reporting of cash flows from investing and financing activities will remain the same. However, the reporting of cash flows from operating activities does differ between the two methods.

(e) For carriers electing to use the direct method, cash flows from operating activities are reported as gross amounts of the principal components of cash receipts and cash payments from operating activities, such as cash received from passengers and shippers, cash paid to suppliers, and cash paid to employees. Each carrier using the direct method shall provide as part of its statement of cash flows, a separate schedule that reconciles net income (as reported on Schedule P-1.2 in Account

9899) to cash flow from operating activities.

(f) For carriers electing to use the indirect method, cash flows from operating activities shall reflect net income (as reported on Schedule P-1.2 in Account 9899) along with the adjustments necessary to reconcile net income (Account 9899) to net cash for the period (Net Cash Provided or Used By Operating Activities).

(g) Regardless of the method used, the statement of cash flows shall reflect the amount of net cash flow provided or used by operating activities during the reporting period.

(h) The balance of "Cash and Cash Equivalents," at the beginning and ending of the quarterly period covered by the report, should equal the sum of Accounts 1010, "Cash," and 1100, "Short-term Investments," as reported on the immediately preceding and current quarterly Schedule B-1, "Balance Sheet." If the sum of these two accounts does not equal the total "Cash and Cash Equivalents" reported on the statement of cash flows, then a footnote explaining the difference shall be provided as part of the statement of cash flows.

F. Revising paragraphs (b), (e), (f), (g), (h), (i), (j) and (k) and adding new paragraphs (l) and (m) to the reporting instructions for Schedule B-43 to read:

*Schedule B-43—Inventory of Airframes and Aircraft Engines*

(b) The indicated data shall be reported for each individual airframe, identified by type, model and design of cabin (main deck) as to use for passengers exclusively, cargo exclusively, or both passengers and cargo in combination. Type and model refers to aircraft models such as B-707-100, B-707-200, DC-10-40, Beech-18, Piper PA-32, etc. Aircraft type designations are prescribed in Accounting and Reporting Directive No. 137, "List of Aircraft Type Numeric Codes." Copies of this directive and subsequent updates to the list of aircraft type codes are available from the Department's Office of Airline Statistics. Airframes that are authorized for operation over water under FAA regulation FAR 121 shall be so indicated by asterisk.

(e) Column 1, "Year of First Delivery—Airframe," shall reflect, for each reported airframe, the year that the airframe was first delivered by its manufacturer.

(f) Column 2, "Airframe Manufacturer's Serial Number," shall



reflect the serial number assigned to each reported airframe by its manufacturer.

(g) Data pertaining to airframes and aircraft engines obtained under operating leases shall be listed in Columns 1 through 9; the cost of improvements to equipment under operating leases shall be reported in Columns 10 through 12.

(h) Column 9, "Available Capacity (Weight)," shall reflect, for each reported aircraft type, the available capacity (stated in pounds) that is used in computing the available ton-miles reported on Schedules T-100, T-1, and T-2.

(i) Column 10, "Acquired Cost or Capitalized Value," shall include (1) the acquisition cost of owned airframes and aircraft engines; (2) the total capitalized cost of obtaining airframes and engines under capital leases; and (3) the cost of improvements to airframes and engines obtained under operating leases.

(j) Column 11, "Allowance for Depreciation or Amortization," shall include (1) the accumulations of all provisions for losses due to use and obsolescence that are applicable to owned airframes and aircraft engines, (2) the amount of amortization recorded for amortizing the value of airframes and engines obtained under capital leases, and (3) the amount of amortization recorded for amortizing the value of improvements to airframes and aircraft engines obtained under operating leases.

(k) Column 12, "Depreciated Cost or Amortized Value," shall be calculated as either (1) Acquired Cost (Column 10) less the Allowance for Depreciation (Column 11) or (2) Capitalized Value (Column 10) less Amortization (Column 11).

(l) Column 13, "Estimated Residual Value," shall state, in dollars, the residual value assigned to owned and capital-leased airframes and aircraft engines, including any overhaul value not subject to depreciation.

(m) Column 14, "Estimated Depreciable or Amortizable Life (Months)," shall state the estimated depreciable or amortizable life from the date of acquisition of each airframe and each group of aircraft engines.

5. Section 24, Profit and Loss Elements, is amended by:

A. Revising paragraph (a) of the reporting instructions for Schedule P-1.1 to read:

*Schedule P-1.1—Statement of Operations*

(a) This schedule shall be filed semiannually by Group I air carriers with annual operating revenues below \$20 million. Data reported on this schedule shall be for the overall or system operations of the air carrier.

B. Revising paragraph (a) of the reporting instructions for Schedule P-1.2 to read:

*Schedule P-1.2—Statement of Operations*

(a) This schedule shall be filed quarterly by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of \$20 million or more.

C. Revising paragraph (a) of the reporting instructions for Schedule P-2 to read:

*Schedule P-2—Notes to RSPA Form 41 Report*

(a) This schedule shall be filed quarterly by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of \$20 million or more.

D. Revising paragraph (a) of the reporting instructions for Schedule P-5.1 to read:

*Schedule P-5.1—Aircraft Operating Expenses*

(a) This schedule shall be filed by all Group I air carriers. Group I air carriers that have annual operating revenues of \$20 million or more shall file this schedule quarterly and only report

direct operating expense data (lines 1 thru 9). Group I air carriers with annual operating revenues below \$20 million shall file this schedule semiannually and report both direct and indirect operating expense data (lines 1 thru 16).

E. Revising paragraph (a) of the reporting instructions for Schedule P-6 to read:

*Schedule P-6—Operating Expenses by Objective Groupings*

(a) This schedule shall be filed quarterly by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of \$20 million or more.

F. Revising paragraph (a) of the reporting instructions for Schedule P-10 to read:

*Schedule P-10—Employment Statistics by Labor Category*

(a) This schedule shall be filed annually by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of \$20 million or more.

G. Revising paragraph (a) of the reporting instructions for Schedule P-12(a) to read:

*Schedule P-12(a)—Fuel Consumption by Type of Service and Entity*

(a) This schedule shall be filed monthly by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of \$20 million or more.

6. Amended Schedules in RSPA Form 41 Report are shown in Exhibits A, B, C, D, and E. Note: These exhibits will not appear in the CFR.

Issued in Washington, DC on March 21, 1991.

Travis P. Dungan,  
Administrator, Research and Special  
Programs Administration, DOT.

BILLING CODE 4910-62-M



Exhibit A



U.S. Department of Transportation  
Research and Special Programs  
Administration

## REPORT OF FINANCIAL AND OPERATING STATISTICS FOR LARGE CERTIFICATED AIR CARRIERS

Period ended \_\_\_\_\_, 19 \_\_\_\_

(Full name of reporting company)

### CERTIFICATION\*

I, the undersigned \_\_\_\_\_  
(Title of officer in charge of accounts)

of the \_\_\_\_\_  
(Full name of reporting company)

do certify that this report and all schedules, ADP-media submissions, Passenger Origin-Destination Survey submissions and supporting documents which are submitted herewith or have been submitted heretofore as parts of this report filed for the above indicated period have been prepared under my direction; that I have carefully examined them and declare that they correctly reflect the accounts and records of the company, and to the best of my knowledge and belief are a complete and accurate statement, after adjustments to reflect full accruals, of the operating revenues and expenses, income items, assets, liabilities, capital, retained earnings, and operating statistics for the periods reported in the several schedules, the Schedule T-100 ADP-media submissions, and the Passenger Origin-Destination Survey; that the various items herein reported were determined in accordance with the Uniform System of Accounts and Reports for Large Certificated Air Carriers prescribed by the Department of Transportation; and that the data contained herein are reported on a basis consistent with that of the preceding report except as specifically noted in the financial and statistical statements.

(Signature)

(Air Carrier Post Office Address)

Dated \_\_\_\_\_, 19 \_\_\_\_

\*Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense subject to a maximum fine of \$10,000 or imprisonment for not more than 5 years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within jurisdiction of any agency of the United States.



Exhibit B


 U.S. Department of Transportation  
 Research and Special Programs  
 Administration

## BALANCE SHEET

(OAG Code)

Air Carrier (Corporate Name) \_\_\_\_\_

(Carrier code)

As at \_\_\_\_\_

ASSETS

## Current assets:

Cash and equivalents	1	_____
Notes and accounts receivable-net	2	_____
Other current assets	3	_____
Total current assets	4	_____

## Property and equipment:

Owned property and equipment	5	_____
Less accumulated depreciation	6	_____
Property and equipment obtained under capital leases	7	_____
Less accumulated amortization	8	_____
Total property and equipment	9	_____

Other assets	10	_____
--------------	----	-------

Total assets	11	_____
--------------	----	-------

LIABILITIES AND STOCKHOLDERS' EQUITY

## Current liabilities:

Notes and accounts payable	12	_____
Accrued taxes	13	_____
Other current liabilities	14	_____
Total current liabilities	15	_____

Long-term debt	16	_____
----------------	----	-------

Other liabilities	17	_____
-------------------	----	-------

Deferred credits	18	_____
------------------	----	-------

## Stockholders' equity:

Capital stock		
Preferred _____ shares outstanding	19	_____
Common _____ shares outstanding	20	_____
Other paid-in capital	21	_____
Retained earnings	22	_____
Total stockholders equity	23	_____
Less: Treasury stock	24	_____
Net stockholders' equity	25	_____

Total liabilities and stockholders' equity	26	_____
--	----	-------

I, the undersigned, (Title) \_\_\_\_\_ of the above-named air carrier certify that the above report and the attached Financial Schedules and Statements of Operations and Traffic and Capacity Statistics, including the T-100 report and Passenger Origin-Destination Survey, have been examined by me and to the best of my knowledge and belief are true, correct and complete reports for the period stated.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name (Please Type or Print): \_\_\_\_\_

\* Denotes inverse amount.

 RSPA Form 41 Schedule B-1.1 (1-85)  
 Formerly CAB Form 41 Schedule B-1.1



AIRFRAME AND AIRCRAFT ENGINE ACQUISITIONS AND RETIREMENTS								Air Carrier _____				
								Quarter Ended _____, 19__				
L 1 e	Year of First Delivery- Airframe (1)	Airframe Manufacturer's Serial Number (2)	Date Acquired/ Retired (3)	Acquisition or Retirement "A" or "R" (4)	Airframe License Number (5)	Number of Engines Acquired/ Retired (6)	Type, Model, and Cabin Design (7)	Maximum Seating Capacity (8)	Cost (9)	Amortized/ Depreciated Cost (10)	Realization (11)	Acquired From/ Disposition (12)
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												
16												
17												
18												
19												
20												

RSPA Form 41 Schedule B-7

Exhibit C



## Exhibit D

Air Carrier: \_\_\_\_\_

Period Ended: \_\_\_\_\_

## STATEMENT OF CASH FLOWS

RSPA Form 41 Schedule B-12



INVENTORY OF AIRFRAMES AND AIRCRAFT ENGINES										Air Carrier (Corporate Name) _____				
										Year Ended December 31, _____				
Line Number	Year of First Delivery (1)	Airframe Manufacturer's Serial Number (2)	Airframe License Number (3)	Date Acquired (4)	Usual Seat Configu- ration (5)	Number of Aircraft Engines (By Type) (6)	Manufacturer (7)	Type, Model And Cabin Design (8)	Available Capacity (Weight) (9)	Acquired Cost or Capitalized Value (10)	Allowance for Depreciation or Amortization (11)	Depreciated Cost or Amortized Value (12)	Estimated Residual Value (13)	Estimated Depreciable or Amortizable Life (Months) (14)
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														
19														
20														

FAA Form 41 Schedule B-43

\* Denotes airframe currently equipped under FAA Regulation Part 121 for operation over water.

[FR Doc. 91-7140 Filed 3-26-91; 8:45 am]

BILLING CODE 4910-62-C



## DEPARTMENT OF JUSTICE

## 28 CFR Part 0

[Directive No. 176-91]

## Civil Division Directive; Redelegation of Authority to Compromise and Close Civil Claims

AGENCY: Department of Justice.

ACTION: Final rule.

**SUMMARY:** This directive implements the February 26, 1991, final order by the Attorney General amending subpart Y, part 0, title 28 of the Code of Federal Regulations to increase the settlement and compromise authority delegated to the Assistant Attorneys General of the litigating divisions, and to incorporate existing Department of Justice guidelines requiring approval of certain settlements by the Deputy Assistant Attorney General (Order No. 1478-91, 56 FR 8923, March 4, 1991). This directive supercedes Civil Division Directive No. 163-86.

EFFECTIVE DATE: March 21, 1991.

**FOR FURTHER INFORMATION CONTACT:** William A. Aileo, Special Counsel to the Assistant Attorney General, Civil Division, Department of Justice, room 3140, 10th and Pennsylvania Avenue NW., Washington, DC 20530 (202-514-3886).

**SUPPLEMENTARY INFORMATION:** This Directive is the Civil Division's implementation of the first increase in the settlement and compromise authority delegated to the Assistant Attorneys General since 1981. This increase warrants a corresponding increase in the settlement and compromise authority of United States Attorneys, Branch, Office and Staff Directors and Attorneys-in-Charge of Field Offices to further the efficient operation of the Department of Justice.

This Directive is exempt from the requirements of Executive Order 12291 as a regulation related to agency organization and management. Furthermore, this regulation will not have a significant economic impact on a substantial number of small entities because its effect is internal to the Department of Justice.

## List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies).

## PART 0—[Amended]

1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301, 2303; 8 U.S.C. 1103, 1427(g); 15 U.S.C. 644(k); 18 U.S.C. 2254, 3621, 3622, 3624, 4001, 4041, 4042, 4044, 4082, 4201 et

seq., 4241 et seq. 6003(b); 21 U.S.C. 871, 881(d), 904; 22 U.S.C. 263a, 1621-1645o, 1622 note; 28 U.S.C. 509, 510, 515, 524, 542, 543, 552, 552a, 569; 31 U.S.C. 1108; 50 U.S.C. App. 2001-2017p; Public Law 91-513, sec. 501; E.O. 11919; E.O. 11267; E.O. 11300.

## Directive No. 163-86 [Removed]

2. Civil Division Directive No. 163-86 is removed.

3. Civil Division Directive No. 176-91 is added to read as follows:

## [Directive No. 176-91]

By virtue of the authority vested in me by part 0 of title 28 of the Code of Federal Regulations, particularly §§ 0.45, 0.160, 0.162, 0.164, and 0.168, it is hereby ordered as follows:

## Section 1. Authority to compromise or close cases and to file suits and claims.

(a) Delegation to Deputy Assistant Attorneys General. The Deputy Assistant Attorneys General are authorized to act for, and to exercise the authority of, the Assistant Attorney General in charge of the Civil Division with respect to the institution of suits, the acceptance or rejection of compromise offers, and the closing of claims or cases, unless any such authority is required by law to be exercised by the Assistant Attorney General personally or has been specifically delegated to another Department official.

(b) Delegation to United States Attorneys, Branch, Office and Staff Directors and Attorneys-in-Charge of Field Offices. Subject to the limitations imposed by 28 CFR 0.160(c), and 0.164(a) and section 4(c) of this directive, and the authority of the Solicitor General set forth in 28 CFR 0.163, United States Attorneys, Branch, Office, and Staff Directors, and Attorneys-in-Charge of Field Offices with respect to matters assigned or delegated to their respective components are hereby delegated the authority to:

(1) Accept offers in compromise of claims on behalf of the United States;

(a) In all cases in which the gross amount of the original claim did not exceed \$500,000; and,

(b) In all cases in which the gross amount of the original claim was between \$500,000 and \$5,000,000, so long as the difference between the gross amount of the original claim and the proposed settlement does not exceed \$500,000 or 15 percent of the original claim, whichever is greater;

with respect to claims asserted in bankruptcy proceedings, the term "gross amount of the original claim" in (a) and (b) above means liquidation value. "Liquidation value" is the forced sale value of the collateral, if any, securing the claim(s) plus the dividend likely to be paid for the unsecured portion of the claim(s) in an actual or hypothetical liquidation of the bankruptcy estate.

(2) Accept offers in compromise of, or settle administratively, claims against the United States in all cases where the principal amount of the proposed settlement does not exceed \$500,000; and,

(3) Reject any offers.

(c) Subject to the limitations imposed by sections 1(e) and 4(c) of this directive, United

States Attorneys, Directors, and Attorneys-in-Charge are authorized to file suits, counterclaims, and cross-claims, to close, or to take any other action necessary to protect the interests of the United States in all routine nonmonetary cases, in all routine loan collection and foreclosure cases, and in other monetary claims or cases where the gross amount of the original claim does not exceed \$500,000. Such actions in nonmonetary cases which are other than routine will be submitted for the approval of the Assistant Attorney General, Civil Division.

(d) United States Attorneys may redelegate in writing the above-conferred compromise and suit authority to Assistant United States Attorneys who supervise other Assistant United States Attorneys who handle civil litigation.

(e) Limitations on delegations. The authority to compromise cases, file suits, counterclaims, and cross-claims, to close cases, or take any other action necessary to protect the interests of the United States, delegated by paragraphs (a) and (b) of this section, may not be exercised, and the matter shall be submitted for resolution to the Assistant Attorney General, Civil Division, when:

(1) For any reason, the proposed action, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in the above paragraphs.

(2) Because a novel question of law or a question of policy is presented, or for any other reason, the proposed action should, in the opinion of the officer or employee concerned, receive the personal attention of the Assistant Attorney General, Civil Division.

(3) The agency or agencies involved are opposed to the proposed action. The views of an agency must be solicited with respect to any significant proposed action if it is a party, if it has asked to be consulted with respect to any such proposed action, or if such proposed action in a case would adversely affect any of its policies.

(4) The U.S. Attorney involved is opposed to the proposed action and requests that the matter be submitted to the Assistant Attorney General for decision.

(5) The case is on appeal, except as determined by the Director of the Appellate Staff.

## Sec. 2. Action Memoranda

(a) Whenever an official of the Civil Division or a United States Attorney accepts a compromise, closes a claim or files a suit or claim pursuant to the authority delegated by this Directive, a memorandum fully explaining the basis for the action taken shall be executed and placed in the file. In the case of matters compromised, closed, or filed by United States Attorneys, a copy of the memorandum must be sent to the appropriate Branch or Office of the Civil Division.

(b) The compromising of cases or closing of claims or the filing of suits for claims, which a United States Attorney is not authorized to approve, shall be referred to the appropriate Branch or Office within the Civil Division, for



decision by the Assistant Attorney General or the appropriate authorized person within the Civil Division. The referral memorandum shall contain a detailed description of the matter, the United States Attorney's recommendation, the agency's recommendation where applicable, and a full statement of the reasons therefor.

*Sec. 3. Return of civil judgment cases to agencies*

Claims arising out of judgments in favor of the United States which cannot be permanently closed as uncollectible may be returned to the referring Federal agency for servicing and surveillance whenever all conditions set forth in USAM 4-2.230 have been met.

*Sec. 4. Authority for direct reference and delegation of Civil Division cases to United States Attorneys*

(a) Direct reference to United States Attorneys by agencies. The following civil actions under the jurisdiction of the Assistant Attorney General, Civil Division, may be referred by the agency concerned directly to the appropriate United States Attorney for handling in trial courts, subject to the limitations imposed by paragraph (c) of this section. United States Attorneys are hereby delegated the authority to take all necessary steps to protect the interests of the United States, without prior approval of the Assistant Attorney General, Civil Division, or his representatives, subject to the limitations set forth in section 1(e) of this directive. Agencies may, however, if special handling is desired, refer these cases to the Civil Division. Also, when constitutional questions or other significant issues arise in the course of such litigation, or when an appeal is taken by any party, the Civil Division should be consulted.

(1) Money claims by the United States except claims involving penalties and forfeitures where the gross amount of the original claim does not exceed \$500,000.

(2) Single family dwelling house foreclosures arising out of loans made or insured by the Department of Housing and Urban Development, the Veterans Administration and the Farmers Home Administration.

(3) Suits to enjoin violations of, and to collect penalties under, the Agricultural Adjustment Act of 1938, 7 U.S.C. 1376, the Packers and Stockyards Act, 7 U.S.C. 203, 207(g), 213, 215, 216, 222, and 228a, the Perishable Agricultural Commodities Act, 1930, 7 U.S.C. 499c(a) and 499h(d), the Egg Products Inspection Act, 21 U.S.C. 1031 et seq., the Potato Research and Promotion Act, 7 U.S.C. 2611 et seq., the Cotton Research and Promotion Act of 1966, 7 U.S.C. 2101 et seq., the Federal Meat Inspection Act, 21 U.S.C. 601 et seq., and the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. 601 et seq.

(4) Suits by social security beneficiaries under the Social Security Act, 42 U.S.C. 402 et seq.

(5) Social Security disability suits under 42 U.S.C. 423 et seq.

(6) Black lung beneficiary suits under the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 921 et seq.

(7) Suits by Medicare beneficiaries under 42 U.S.C. 1395ff.

(8) Garnishment actions authorized by 42 U.S.C. 659 for child support or alimony payments.

(9) Judicial review of actions of the Secretary of Agriculture under the food stamp program, pursuant to the provisions of 7 U.S.C. 2022 involving retail food stores.

(10) Cases referred by the Department of Labor for the collection of penalties or for injunctive action under the Fair Labor Standards Act of 1938 and the Occupational Safety and Health Act of 1970.

(11) Cases referred by the Department of Labor solely for the collection of civil penalties under the Farm Labor Contractor Registration Act of 1963, 7 U.S.C. 2048(b).

(12) Cases referred by the Interstate Commerce Commission to enforce orders of the Interstate Commerce Commission or to enjoin or suspend such orders pursuant to 28 U.S.C. 1336.

(13) Cases referred by the United States Postal Service for injunctive relief under the nonmailable matter laws, 39 U.S.C. 3001 et seq.

(b) Delegation to United States Attorneys. Upon the recommendation of the appropriate Director, the Assistant Attorney General, Civil Division, may delegate to United States Attorneys suit authority involving any claims or suits where the gross amount of the original claim does not exceed \$5,000,000 where the circumstances warrant such delegations. United States Attorneys may compromise any case redelegated under this subsection in which the gross amount of the original claim does not exceed \$5,000,000, so long as the difference between the gross amount of the original claim and the proposed settlement does not exceed 15% of the gross amount of the original claim. United States Attorneys may close cases redelegated to them under this subsection only upon the authorization of the appropriate authorized person within the Department of Justice. All delegations pursuant to this subsection shall be in writing and no United States Attorney shall have authority to compromise or close any such delegated case or claim except as is specified in the required written delegation or in section 1(c) of this directive. The limitations of section 1(e) of this directive also remain applicable in any case or claim delegated hereunder.

(c) Cases not covered. Regardless of the amount in controversy, the following matters normally will not be delegated to United States Attorneys for handling but will be retained and personally handled or supervised by the appropriate Branch or Office within the Civil Division:

(1) Civil actions in the Claims Court.

(2) Cases within the jurisdiction of the Commercial Litigation Branch involving patents, trademarks, copyrights, etc.

(3) Cases before the United States Court of International Trade.

(4) Any case involving bribery, conflict of interest, breach of fiduciary duty, breach of employment contract, or exploitation of public office.

(5) Any fraud or False Claims Act case where the amount of single damages, plus civil penalties, if any, exceeds \$500,000.

(6) Any case involving vessel-caused pollution in navigable waters.

(7) Cases on appeal, except as determined by the Director of the Appellate Staff.

(8) Any case involving litigation in a foreign court.

(9) Criminal proceedings arising under statutes enforced by the Food and Drug Administration, the Consumer Product Safety Commission, the Federal Trade Commission, and the National Highway Traffic Safety Administration (relating to odometer tampering), except as determined by the Director of the Office of Consumer Litigation.

(10) Nonmonetary civil cases, including injunction suits, declaratory judgment actions, and applications for inspection warrants, and cases seeking civil penalties, arising under statutes enforced by the Food and Drug Administration, the Consumer Product Safety Commission, the Federal Trade Commission, and the National Highway Traffic Safety Administration (relating to odometer tampering), except as determined by the Director of the Office of Consumer Litigation.

(11) Administrative claims arising under the Federal Tort Claims Act.

*Sec. 5. Adverse decisions*

All final judicial decisions adverse to the Government involving any direct reference or delegated case must be reported promptly to the Assistant Attorney General, Civil Division, attention Director, Appellate Staff. Consult Title 2 of the United States Attorney's Manual for procedures and time limitations.

*Sec. 6. Supersession*

This directive supersedes Civil Division Directive No. 163-86 regarding redelegation of the Assistant Attorney General's authority in Civil Division cases to Branch Directors, heads of offices, and United States Attorneys.

*Sec. 7. Applicability*

This directive applies to all cases pending as of the date of this directive and is effective immediately.

Dated: March 21, 1991.

Stuart M. Gerson,

Assistant Attorney General, Civil Division.

[FR Doc. 91-7244 Filed 3-26-91; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP Wilmington Regulation (91-008)]

**Security Zone Regulations: Cape Fear River, Military Ocean Terminal Sunny Point, Brunswick County, NC**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Emergency rule.

**SUMMARY:** The Coast Guard is changing the temporary security zone in the Cape



Fear River in the vicinity of the Military Ocean Terminal Sunny Point (MOTSU), Brunswick County, NC. The revised temporary security zone consists of the boundaries of the Restricted Area in the Cape Fear River and tributaries at MOTSU, Brunswick County, NC as defined in title 33, Code of Federal Regulations, § 334.450. This security zone is established at the request of the United States Army and Navy and is needed to safeguard vessels and property at MOTSU, and other government property essential to the national security from sabotage or other subversive acts, accidents, criminal actions, or other causes of a similar nature. Entry into this zone is prohibited unless authorized by the Captain of the Port, Wilmington, North Carolina.

**EFFECTIVE DATE:** This regulation becomes effective at 5 p.m. March 1, 1991. It terminates at 5 p.m. June 30, 1991 unless sooner terminated by the Captain of the Port.

**FOR FURTHER INFORMATION CONTACT:** LCDR P.A. Richardson, USCG, c/o U.S. Coast Guard Captain of the Port, 272 North Front Street, suite 500, Wilmington, NC 28401-3907; telephone (919) 343-4881.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is necessary to prevent damage to vessels at MOTSU, government property, or delay to defense operations, essential to the national security.

#### Drafting Information

The drafters of this regulation are LCDR P.A. Richardson, project officer for the Captain of the Port, and Capt Michael K. Cain, project attorney, Fifth Coast Guard District Legal Office.

#### Discussion of the Regulation

The events requiring this regulation change will begin at 5 p.m. March 01, 1991. These operations are essential to the national security of the United States, and damage to vessels or equipment involved or delay to the operation would seriously damage the security and interests of the United States.

This regulation is issued pursuant to 50 U.S.C. 191 and 33 U.S.C. 1231 as set out in the authority citation for all of part 165.

#### Federalism

This section has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

#### Regulation

In consideration of the foregoing, subpart D of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. In part 165, § 165.T001 is revised to read as follows:

**§ 165.T0505 Security Zone: Cape Fear River in Vicinity of the Military Ocean Terminal Sunny Point, Brunswick County, NC.**

(a) *Location.* The following area is a security zone: The Cape Fear River in the vicinity of Military Ocean Terminal Sunny Point consisting of the boundaries of the Restricted Area in the Cape Fear River and tributaries at Military Ocean Terminal Sunny Point, Brunswick County, NC as defined in Title 33, Code of Federal Regulations, § 334.450.

(b) *Effective date.* This regulation is effective at 5 p.m. March 01, 1991. It terminates at 5 p.m. June 30, 1991 unless sooner terminated by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in Section 165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Wilmington, NC.

(2) Persons or vessels requiring entry into or passage through the security zone may request authorization from the Captain of the Port or his designated representative by telephone at (919) 343-4881, or by contacting a Coast Guard vessel patrolling the security zone by radio on Channel 13 or 16.

(3) All vessels entering the security zone may be boarded and examined by the Coast Guard under existing regulations, prior to entry, to ensure compliance with safety and navigation regulations, and to ensure compliance with the general regulations in § 165.33.

(4) Public notice of this regulation will be made by issuing periodic Marine

Safety Information Broadcast Notice to Mariners to notify the maritime community of the existence of the security zone.

(5) Section 165.33 also contains other general requirements.

Dated: March 1, 1991.

P.J. Pluta,

Captain, U.S. Coast Guard, Captain of the Port, Wilmington, North Carolina.

[FR Doc. 91-7184 Filed 3-26-91; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 165

[CGD1 91-017]

#### Safety Zone Regulations; Unexplored Torpedo, Shinnecock Inlet, Hampton Bays, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Emergency rule.

**SUMMARY:** The Coast Guard has established a safety zone approximately 1 nautical mile due South of Shinnecock Inlet. This safety zone is needed to protect marine traffic and the public from the safety hazard associated with the possible detonation of an unexploded live torpedo that was snared by the F/V Shinnecock One. Entry into this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound.

**EFFECTIVE DATES:** This regulation becomes effective at 6:45 p.m. March 14, 1991. It terminates at 4 p.m. on March 29, 1991, unless terminated sooner by the Captain of the Port.

**FOR FURTHER INFORMATION CONTACT:** Captain of the Port, Long Island Sound duty watchstander at (203) 468-4464.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register Publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to protect any marine traffic from the potential hazards involved.

#### Drafting Information

The drafters of this regulation are LT David D. Skewes, project officer for Captain of the Port Long Island Sound, and LT Korroch, project attorney, First Coast Guard District Legal Office.

#### Discussion of Regulation

The need for this safety zone arose as a result of the F/V Shinnecock One snaring a live undetonated torpedo



south west of Shinnecock Inlet. On 14 March 1991 the vessel was intentionally sunk to reduce the hazard, however, the torpedo was not detonated and the hazard, even though reduced, still remains. This Safety Zone is needed to protect any marine traffic or the public from the hazards associated with the unexpected detonation of a live torpedo.

This regulation is issued pursuant to U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

#### Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A new section 165.T1017 is added to read as follows:

#### § 165.T1017 Safety Zone: Unexploded Torpedo, Shinnecock Inlet, Hampton Bays, NY.

(a) *Location.* The following two areas are safety zones:

(1) *Zone 1.* All waters inclusive of a 3.5 nautical mile radius from the Shinnecock Inlet Approach Buoy in approximate position (40 49.0'N 072 28.7'W). The Shinnecock Inlet Approach Buoy is located approximately 1 nautical mile south of Shinnecock Inlet.

(2) *Zone 2.* All waters inclusive of a 1500 yard radius from an orange marker buoy located in approximate position (40 48.7'N, 072 29.8'W). The marker buoy is approximately 1,900 yards due west of the Shinnecock Inlet Approach Buoy which is in turn, approximately 1 nautical mile south of Shinnecock Inlet, Hampton Bays, NY.

(b) *Effective date.* (1) Zone 1. This regulation becomes effective on March 14, 1991 at 6:45 a.m. It terminates at 3 p.m. March 15, 1991.

(2) Zone 2. This regulation becomes effective on March 15, 1991 at 3 p.m. It terminates at 4 p.m. March 29, 1991, unless terminated sooner by the Captain of the Port.

(c) *Regulations:* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port or his on scene representatives.

Dated: March 15, 1991.

H. Bruce Dickey,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 91-7183 Filed 3-26-91; 8:45 am]

BILLING CODE 4910-14-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 90-453; RM-7337]

### Radio Broadcasting Services; Columbus, KS

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes Channel 287C3 for Channel 252A at Columbus, Kansas, and modifies the license for Station KOCD(FM) to specify operation on Channel 287C3, in response to a petition filed by Saturn Communications, Inc. See 55 FR 43001, October 25, 1990. The coordinates for Channel 287C3 are 37-04-02 and 94-50-10. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** May 6, 1991.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 90-453, adopted March 7, 1991, and released March 21, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

### List of Subjects in 47 CFR Part 73

Radio broadcasting

### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by removing Channel 252A and adding Channel 287C3 at Columbus.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-7135 Filed 3-26-91; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 49 CFR Part 571

[Docket No. 89-18; Notice 3]

RIN 2127-AC14

### Federal Motor Vehicle Safety Standards; Glazing Materials

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This notice makes final an amendment to Federal Motor Vehicle Safety Standard (FMVSS) No. 205, Glazing Materials, specifying specimen clamping of Item 14 glass-plastic glazing (glazing with one or more layers of glazing and a layer of plastic on the surface facing the vehicle interior) for Test 26. In Test 26, a 5 pound ball is dropped onto specimens of glazing to determine whether the glazing material has satisfactory penetration resistance. No clamping is specified for conducting Test 26 on Item 1 glazing. Item 1 glazing is similar to Item 14 glazing, except the former has no plastic layer on the inside surface. This notice does not adopt the proposal in the notice of proposed rulemaking to specify clamping of Item 14 glazing in two other drop tests, Test 9 (that determines the behavior of the safety glazing under impact from a small, hard object) and Test 12 (that determines whether the safety glazing has a certain minimum strength and is properly made). The agency also is not adopting a proposal to prohibit the installation of strengthened glass-plastic glazing in windshields and other locations requisite for driving visibility.

**EFFECTIVE DATE:** The amendments in this rule are effective September 23, 1991.

**FOR FURTHER INFORMATION CONTACT:** Mr. Clarke Harper, Office of Vehicle Safety Standards, NRM-12, room 5320, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202-366-2264).



## SUPPLEMENTARY INFORMATION:

## I. Background

FMVSS No. 205 specifies requirements for glazing materials for use in motor vehicles and motor vehicle equipment. The standard incorporates by reference, American National Standard (ANSI) Z26.1, "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," as amended through 1980 (Z26). FMVSS No. 205 provides performance specifications for 14 types (known as "items") of safety glazing materials and the locations in which they may be installed in motor vehicles. To ensure compliance, specimens of each item of glazing material are subjected to a selected group of tests, as appropriate for the general use of the material.

The agency first allowed use of glass-plastic safety glazing in 1983, when Item 14 glazing was added to FMVSS No. 205. NHTSA amended FMVSS No. 205 to permit the use of Item 14 glass-plastic glazing in all glazing areas, including the windshield, because the glazing had the ability to reduce the risk of lacerative injuries in crashes. (See 48 FR 52061, November 16, 1983.) This item consists of glass on the outside surface and plastic on the inside surface. In adding item 14, the agency anticipated that this type of glazing would consist of laminated glass to which a plastic layer was added on the inside surface. However, it is possible to manufacture the item with or without laminated glass. For example, Item 14 could consist of the current high penetration resistant (HPR) three-ply glazing to which one or more layers of plastic have been added to create a windshield of four or more plies or it may simply consist of a single sheet of glass to which a layer of plastic has been added to the surface (two-ply glazing). The first generation of glass-plastic was found to be costly and when used, was limited to use in windshields.

By letter dated July 24, 1986, General Motors Corporation (GM) stated that the current test procedure for penetration resistance is not an appropriate method for two-ply glass-plastic glazing. Test number 26 (in Z26) consists of dropping a five pound steel ball onto a 12 inch by 12 inch glass specimen from a height of 12 feet. The specimen is centered on the top of a 17 $\frac{3}{4}$  inch square wooden frame with an 11 $\frac{1}{4}$  inch square opening. A specimen is deemed to have failed if the ball passes "through" it. For traditional three-ply HPR glazing, the nonaligned cracks in the inner and outer layers of glass, resulting from impact with the ball, provide the specimen sufficient rigidity to remain in the test fixture. GM reported that the two-ply specimen, which is more flexible, is pushed

through the frame by the ball without being penetrated by it.

Since there is no specific prohibition in FMVSS No. 205 against clamping the specimen during testing, GM requested an interpretation of FMVSS No. 205, to allow restraint of the test sample in the test fixture for Test Number 26. By letter dated May 27, 1987, NHTSA's Office of Chief Counsel responded that the agency could not adopt this change in the test procedure through issuing a letter of interpretation. The agency stated that in order to address the problem and to ensure objectivity, it would be necessary to amend the standard to establish uniform requirements for providing additional support to two-ply glazing materials during the drop test. Accordingly, the GM letter was treated as a petition for rulemaking and the petition was granted.

The agency published a Notice of Proposed Rulemaking (NPRM) on October 11, 1989 (54 FR 41636). The NPRM proposed amending FMVSS 205 by specifying specimen clamping of Item 14 glass-plastic glazing for Test 26. Additionally, the notice requested comments on the advisability of extending the clamping procedure to two other drop tests, Test 9 and Test 12. All three of these tests, 26, 9, and 12 are usually performed on laminated glazing, including laminated glass-plastic glazing (Item 14). Test 9 is a drop test in which a seven ounce round-nosed dart is dropped from 30 feet. This test measures the resistance to impact by a small hard object. Test 12 involves the dropping of an eight ounce steel ball from a height of 30 feet to determine whether the safety glazing has a certain minimum strength and is made properly. In order to pass Test 12, the ball must not pass through the specimen. Further, "at the point immediately opposite the point of impact, small fragments of glass may leave the specimen, but the small area thus affected shall expose less than 1 square inch of reinforcing or strengthening material, the surface of which shall always be well covered with tiny particles of tightly adhering glass." In addition, the glass may not delaminate from the plastic.

In the NPRM, the agency also proposed prohibiting laminated glass that is "strengthened by any method" from being used in "glass-plastic glazing in any windshield or other location requisite for driving visibility." This restriction was motivated by the agency's concern that the glass remaining adhered to the plastic would obscure visibility. Glass "strengthened by any method," when broken, tends to break up into cubes. When the

strengthened glass layer of laminated glazing breaks, the glass often remains adhered to the plastic layer, thus obscuring the view through the glazing.

## II. Public Comments to the NPRM

Following its publication of the NPRM, the agency received comments from PPG, Chrysler Motors Corporation, Flachglas AG, Ford Motor Company, General Motors (GM), Motor Vehicle Manufacturers of America (MVMA), the Insurance Institute for Highway Safety (IIHS), Monsanto, and the Flat Glass Association of Japan (FGA). The following is a summary of the issues, the principal comments and the agency's analysis of the issues and comments.

## A. Clamping Specimens for Test 26

Numerous issues were addressed in the NPRM concerning this proposed amendment to the test procedure. The most critical were: Should the glazing be clamped? Would clamping either add to or detract from the safety of laminated glazing? Should the clamping be an option? Are there any cost and weight benefits to two-ply glazing? These issues were discussed extensively in the preamble to the NPRM.

Most commenters concurred in general with the agency proposal to specify clamping of test specimens of glass-plastic glazing. However, GM opposed making the test procedure a requirement for glass-plastic glazing. GM stated that clamping increases the stringency of the penetration test beyond a necessary level. GM recommended clamping be an option to be used when necessary to retain the specimen in the test fixture.

For the following reasons, the agency has decided to amend FMVSS No. 205 to specify the clamping of glass-plastic specimens each time the agency conducts Test 26 on Item 14 glazing. Most practical designs of windshield glazing will easily pass the drop test while unclamped. Since two-ply glazing lacks the inherent rigidity of three-ply HPR glazing, the penetration resistance of the two-ply glazing is dependent upon the combined contribution of the glass and plastic layers. However, the plastic layer of a test specimen of two ply glass/plastic glazing can make its contribution only if the specimen is clamped. When a specimen of that glazing is held rigid by means of clamping, the force of the falling ball is concentrated at the point of impact, and tests the impact resistance of not only the glass layer but also the plastic layer. If the specimen is unclamped, the ball will simply break the glass, flex the plastic and push them through the test



frame. A decision not to specify clamping would have the undesirable effect of allowing and possibly even encouraging manufacturers to increase the penetration resistance of two-ply glass/plastic glazing by increasing the thickness of the glass layer. A thicker layer of glass in glass-plastic glazing would create safety problems because the thicker glass would tend to increase the forces to which an occupant's head or other body part is subject in a crash before the glass breaks, and therefore would increase the potential for injuries. In addition, GM stated that thicker glazing "can add significantly to the weight of a door which would influence the door mounting system design, overall vehicle mass, and fuel economy."

The agency notes that clamping specimens for the purpose of conducting Test 26 will be done only with Item 14 glass-plastic material. Instead of using Item 14 glazing, manufacturers will be able to use Item 1 glazing also, which was the rigidity and penetration resistance necessary to meet Test 26 without being clamped.

#### B. Clamping for Tests 9 and 12

Clamping for Tests 9 and 12 was proposed in the NPRM because the agency was concerned that clamping may be necessary to properly conduct these tests for glass-plastic two-ply specimens. However, due to the lack of industry experience with two-ply material, this need may not have been evident to industry and commenters when it was raised by this agency in the NPRM.

At the same time, the agency was concerned that since different types of glazing are defined by their ability to pass specific performance tests, specifying clamping during these two drop tests for windshield glass-plastic might inadvertently make it possible for manufacturers to qualify, for use as certain types of glazing, materials that may have some unforeseen adverse effect on occupant safety. For example, clamping might make it possible for tempered glass-plastic windshields to pass Tests 9 and 12. In order to get a better idea of the advantages and disadvantages of clamping for Tests 9 and 12, the agency proposed clamping all glass-plastic specimens for these two tests, in addition to clamping Test 26, and asked two questions concerning this proposal. The first question, identified in the NPRM as Question 1, was: "Is clamping of the test specimens in Test 9 and/or 12 necessary?" The second question, identified in the NPRM as Question 2, asked: "What would be the

effect on the specimen design if Tests 9 and/or 12 required clamping?"

PPG, Flachglas, Libbey-Owens-Ford (LOF) and the Flat Glass Association of Japan (FGAJ) stated clamping was not necessary to conduct Test 9 and Test 12. Flachglas stated that the upper frame of the proposed ECE-type test fixture would be sufficient to hold specimens for Tests 9 and 12. Ford and the MVMA, on the other hand, supported the proposal to clamp specimens for the purpose of conducting Test 9 and Test 12. Ford indicated that they experienced a problem with complying with Tests 9 and 12. Ford stated that when conducting Tests 9 and 12, it had "on occasion" experienced cases of developmental two-ply glass-plastic specimens falling through the test frame when unclamped. The MVMA urged clamping of glass-plastic in Tests 9 and 12 to eliminate any need to amend this standard at a later time. Chrysler suggested clamping of Tests 9 and 12 be optional, "where needed to ensure that the specimen does not move in these tests." GM recommended that the agency "review comments from the glazing manufacturers who are more qualified to comment on the need for clamping for these tests." Monsanto stated that more data were needed to answer the issues raised in clamping Tests 9 and 12.

In issuing the NPRM, the agency was concerned that clamping may be necessary for Tests 9 and 12 on glass-plastic two-ply specimens. However, it was also concerned that specifying clamping in these two remaining drop tests may have the unintended effect of modifying the performance requirements of the glazing, thus allowing use of materials such as tempered glass that may result in glazing designs that would create obscured vision when broken. Although the agency's concerns about the unintended effects of specifying clamping were not confirmed by the public comments, NHTSA has decided not to adopt the clamping procedure for Tests 9 and 12 in this final rule. Its review of the public comments on these issues failed to yield any data that would strongly support the necessity for clamping either Tests 9 or 12. Ford neither specified the frequency of its problems nor provided information that would explain why the material tested by Ford, but not the material tested by other manufacturers, was forced through the test frame. Further, the original petitioner, General Motors, did not request clamping for Tests 9 and 12. For all of these reasons, amending these tests is not warranted at this time. The agency seeks more specific information

about the types of glazing that may have trouble passing Tests 9 and 12.

#### C. Prohibition of Strengthened Glass-Plastic Glazing

In the NPRM, the agency proposed to prohibit glass "that is strengthened by any method" from being used in "glass-plastic glazing in any windshield or other location requisite for driving visibility." This prohibition was proposed to prevent inadvertently allowing the inclusion of tempered glass-plastic in areas requisite for driving visibility as a result of the modification of the test procedures and therefore a modification of the performance requirements. In the NPRM, the agency expressed concern that a tempered glass-plastic windshield, when broken, would instantly obscure driver vision.

To focus comments on this issue, the NPRM raised two questions. The first question was posed in the NPRM as Question 3: "Would modifying Test 26 inadvertently permit use of tempered glass-plastic in windshields?" The second question, posed as Question 4 asked: "What are the advantages or disadvantages of tempered glass-plastic in windshields, or the side and rear windows?"

Most of the commenters were opposed to the prohibition in some form or another. The commenters on this issue included PPG, Chrysler, Ford, Flachglas, GM, MVMA, IHS and Monsanto and FGAJ. In general, the public comments made a distinction between allowing tempered glass-plastic glazing in windshields and allowing such glazing in all other glazing locations requisite for driving visibility. PPG recommended against using "tempered components in glass-plastic glazing for use in windshields," but stated that restrictions in other glazing areas "will severely limit foreseeable and needed design trends in the automotive industry." They stated that prohibition would result in numerous problems, among which were: costly body redesign to compensate for loss of strength; shape and mounting restrictions; hindrance of innovative design prohibition of most current processing techniques; and a higher breakage rate for annealed glass. PPG stated that broken side and rear glass would not obscure vision necessary for bringing a vehicle to a safe stop. Finally, PPG stated that the definition of "strengthened by any method" would eliminate the use of even annealed glass as well as tempered glass in glass-plastic glazing. PPG's point apparently is that as glass is formed into sheets, it undergoes final processing in one of two



ways. It is either reheated and cooled slowly, creating "annealed glass" or its toughened thermally or chemically, creating "tempered glass." Because the process by which annealed glass is created strengthens the glass, PPG believes the term "strengthened by any method" would encompass the annealing process. PPG said that the "forming process used in the manufacturing of annealed glass does impart some residual stresses, particularly near the edges of the glazing."

Chrysler opposed the prohibition against strengthened glass-plastic in the windshield or other locations requisite for driving visibility. Chrysler pointed out that for many years they used strengthening around the periphery of the windshield to minimize breakage.

Ford was more specific as to the reasons for its opposition, stating that the prohibition would prohibit the current processing of the peripheral region of windshields to reduce breakage. This is apparently because processing of the edges of the glazing is "strengthening" the edge, a practice that was proposed to be prohibited in the NPRM. They further stated that the tempered glass-plastic prohibition would discourage development of new techniques for strengthening. Ford asserted that broken tempered glass-plastic does not curtail visibility. Ford also stated that annealed glass-plastic is undesirable since severe lacerations would result when the plastic was penetrated. Ford stated that annealed glass has only 25 percent of the strength of tempered glass, and that since it is more likely to break, it is more likely to cut. Ford stated that annealed glass would have to be about four times thicker (approaching 1/2 an inch) and four times heavier than tempered glass to be as strong.

GM opposed the proposed prohibition against the use of tempered glass-plastic glazing in non-windshield locations requisite for driving visibility. All its comments on the benefits of tempered glass-plastic glazing were limited to areas other than the windshield. GM stated that tempered glass would have a higher strength-to-weight ratio, lower frequency of laceration and greater consumer satisfaction. As for the agency's concern with tempered glass-plastic glazing that vision can be influenced when diced pieces of shattered tempered glass would remain laminated to the plastic and would obscure vision, GM asserted that broken glass is not common. Additionally, GM stated that the window could be rolled down, could still be seen through and

would be no worse than trash bags, cardboard or duct tape. GM asserted that by prohibiting tempered glass, the only remaining material authorized for use in motor vehicles is untempered, annealed glass. Using annealed glass rather than tempered glass would necessitate using a thicker glass to attain the same amount of strength as tempered glass, which can add significantly to the weight of a door and would influence the door mounting system, overall vehicle mass, and would reduce fuel economy.

The MVMA opposed the prohibition of tempered glass-plastic glazing, not making a distinction between the windshield and other glazing areas. It raised concerns expressed by other commenters such as the fact that current windshields use compressive stresses on the periphery, the prohibition would preclude future designs, annealed glass is not strong enough and would require new mounting for movable windows, tempered glass would outperform annealed laminated glass, with reduced replacement costs, and that visibility would not be impaired.

The IIHS favored the prohibition of tempered glass-plastic for windshields. But for side glazing, it suggested that NHTSA continue to collect data. They suggest tempered glass-plastic on side windows would not be as subject to breakage, and that the visibility concerns immediately after the breakage would not be so critical as in the case with windshields. IIHS stated that tempered and annealed side glass-plastic would reduce lacerations and contribute to containing occupants in side impacts and rollover crashes.

Monsanto opposed the prohibition of strengthened glass-plastic in areas requisite for driving visibility.

The FGAJ said that in the windshield, visibility could possibly be blocked and ejection mitigation would not be as effective with tempered two-ply. But for side and rear glazing, FGAJ stated that ejection mitigation and laceration protection would be greater than with the current single layer of tempered glass. They stated the only disadvantage would be loss of visibility, but not to the degree that it would hinder driving. FGAJ also discussed performance tests that would result in being able to distinguish between tempered and non-tempered glass/plastic glazing. They tried a fragmentation test, a dart impact test, a strength test and an internal stress test. FGAJ concluded that none of these methods would provide a practical test procedure.

The agency believes the arguments provided by commenters for continuing

to allow tempered (or strengthened) glass-plastic in side and rear glazing are compelling. The prohibition against tempered glass-plastic glazing would restrict processes that are used in manufacturing windshields today. Further, a broad prohibition against strengthened glazing may prohibit current windshield strengthening techniques for annealed laminated glazing. This would have an adverse effect on glass technology, automotive safety and cost benefits for consumers.

The agency has reconsidered the former position that use of tempered glass in laminated glass-plastic glazing could seriously compromise visibility through broken side and rear glass-plastic glazing. It is now believed that safety concerns over the potential for the heavier and thicker non-tempered glazing to cause injuries in crashes outweigh concerns over the potential for crashes as a result of lessened visibility through broken side and rear glazing. The extent to which visibility would be compromised by broken side and rear glazing is still unknown. Saint Gobain Vitrage, in its comments to the concurrent glazing docket concerning creation of Item 15 and Item 16 glazing (54 FR 41632, October 11, 1989) reported that as much as 99 percent of broken side glass was attributable to burglary while the vehicles were stationary. Saint Gobain Vitrage gathered this information through informal contacts with insurance companies. Breaking of side and rear glazing during a burglary attempt does not create a sudden visibility hazard for the driver of a moving vehicle.

While the agency continues to be concerned about the possibility that a broken tempered glass windshield could create a significant visibility hazard, it recognizes that a broken tempered glass-plastic windshield would not cause a complete loss of visibility. Examination of broken tempered glass-plastic reveals partial visibility. We believe that this partial visibility would be sufficient in most cases to bring the vehicle to a safe stop.

Further, the agency has been unable to identify an objective test procedure that would distinguish tempered from nontempered glass and not prohibit strengthening methods that are currently in use in motor vehicle windshields. This means that there is no practical means of enforcing the prohibition against tempered glass-plastic. Even if the agency wished to take the approach of measuring the amount of visibility obscured by the broken glass, the agency knows of no test procedure to



measure the amount of visibility that would be lost through broken glass.

For the reasons, in this final rule, the agency is not adopting the prohibition against use of glass that is "strengthened by any method" from being used in glass-plastic glazing "in any windshield or other location requisite for driving visibility."

#### D. Test Fixture

In the NPRM, the agency proposed adopting a different test fixture for holding and clamping glass-plastic test specimens than the one currently specified for Test 26. The proposed fixture was an adaptation of the test fixture used in the Economic Commission of Europe (ECE) glazing regulation R43. The agency proposed using the ECE R43 test fixture because it would partially harmonize FMVSS No. 205 with ECE R43. In addition, it would not necessitate the extensive fixture redesign and testing modification by testing laboratories or concerns that would be necessary with the FMVSS No. 205 wooden test fixture. The agency asked for comments concerning the objectivity of the proposed test device.

All commenters supported using the proposed test fixture, and were quite receptive to the idea of the agency specifying the use of the proposed test fixture, which would harmonize with the ECE R43 test fixture. The proposed test fixture was reported to be appropriate for the glass-plastic drop test fixture, using clamped specimens. Therefore, the agency adopts in the final rule, the proposed ECE R43 test fixture illustrated in Figure I of the NPRM.

#### E. Use the Proposed ECE Test Fixture For All Drop Tests

Although not proposed by the agency in the NPRM, Flachglas recommended using the proposed test fixture for all drop tests, not just the clamped glass-plastic drop test (Test 26). The additional tests that would be affected by this proposal would be the nine tests used to verify specific characteristics for tempered glass, Tests 6, 7, 8, 9, 10, 11, 12, 13 and 14. Flachglas did not suggest clamping for these additional tests, only that this single fixture should be used for each test. These drop tests are used for other materials such as tempered glass or rigid plastic, and apply other performance criteria to these glazings.

The agency is not adopting the ECE test fixture for all drop tests. The agency did not propose or discuss such an amendment in the NPRM. Consequently, there has been no opportunity for affected parties to comment on the use of the single fixture. Additionally, Flachglas did not cite a specific safety

need to use the ECE test fixture for all drop tests, and the agency is unaware of any such need.

#### F. Effective Date

In the NPRM, the agency proposed the clamping test procedure amendment be effective immediately. The agency's position was that because this amendment appeared to be a clarification of the test procedure, and would not entail any redesign of materials, the rule should be effective immediately.

PPG suggested the effective date of this rulemaking be delayed at least 90 days from the publication of the final rule. They argued that this would permit companies that did not currently have this test fixture to obtain the fixture and make any changes. They also pointed out that the ECE fixture does not have specific provisions for a clamping technique; the clamping procedure will have to be developed.

The agency concurs with the PPG comment. The agency is not aware of any manufacturer that is currently using glass-plastic glazing as original equipment, nor is there any indication that glass-plastic will be used in the near future. However, the agency wishes to encourage manufacturers to use glass-plastic and believes removing test barriers for two-ply glass-plastic may encourage its use. Therefore, the agency has decided that the clamping procedure and test fixture will be effective 180 days after publication of this final rule. After the effective date, the agency will clamp the test specimens of glazing each time the agency conducts Test 26 on Item 14 glazing.

#### Regulatory Impacts

##### 1. Costs and Other Impacts

NHTSA has analyzed this rule and determined that it is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of Department of Transportation regulatory policies and procedures. The agency estimates that the new Test 26 clamping procedure for two-ply glass-plastic glazing will necessitate an expenditure of less than \$200 in materials for fabricating a new test fixture, for each of the approximately ten testing companies or laboratories throughout the United States. The agency does not anticipate that each of these concerns would need more than one of the new test fixtures. Each testing concern, in order to meet Test 26 requirements for Item 1 glazing, presumably already has a test fixture that is described in the ANS Z26 standard. The total cost of fabricating

the new test fixtures will be well below the threshold of \$100 million for classifying a rulemaking action as "major" under the Executive Order. Further, performing the clamping procedure will add less than five minutes to the length of time needed to conduct each test. Public comment was solicited on the likely costs and benefits that would be associated with the proposed changes in Test 26, but no comment specifically addressing the cost-benefit issue was received.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

##### 2. Regulatory Flexibility Act

The agency has also considered the effects of this rulemaking under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). I certify that this final rule will not have a significant economic impact on a substantial number of small entities. The final rule would have no significant effect even if all of the approximately 10 testing entities for motor vehicle glazing in the United States were small businesses or other small entities (defined in 13 CFR 121.2 under SIC 8734 "Testing Laboratories" as those entities grossing less than \$3.5 million a year.) The rationale for this certification is that this rule would necessitate the purchase of less than \$200 in new test equipment for each of the affected testing companies or laboratories that test motor vehicle glazing. The agency believes that these costs and the costs of the new test procedure would be so minimal that when amortized over the affected production of two-ply AS-14 glazing and motor vehicles that use this glazing, the effects of the costs will be negligible. For this reason, NHTSA does not anticipate any additional costs that would affect the purchase price of such glazing or motor vehicles using such glazing. Thus, small organizations and governmental jurisdictions purchasing glazing or new vehicles will not be significantly affected.

##### 3. Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. It has been determined that the final rule does not have sufficient federalism implications to warrant the



preparation of a Federalism Assessment.

#### 4. Environmental Impacts

In accordance with the National Environmental Policy Act, NHTSA has considered the environmental impacts of this rule and determined that it will not have a significant impact on the quality of the human environment.

#### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, Federal Motor Vehicle Safety Standard No. 205, *Glazing materials* (49 CFR 571.205), is amended to read as follows:

#### PART 571—[AMENDED]

1. The authority citation for part 571 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

#### § 571.205 [Amended]

2. The introductory text to existing paragraph § 571.2.4 is revised to read as follows:

S5.1.2.4 *Item 14-Glass Plastics*. Glass-plastic glazing materials that comply with the labeling requirements of S5.1.2.5 and Tests Nos. 1, 2, 3, 4, 9, 12, 15, 16, 17, 18, 19, 24, 26, and 28, as those tests are modified in (a), (b), (c), (d), and (e) of this paragraph, may be used anywhere in a motor vehicle, except that it may not be used in convertibles, in vehicles that have no roof or in vehicles whose roofs are completely removable.

\* \* \* \* \*

3. Paragraph (e) is added after paragraph (d) of S5.1.2.4 as follows:

(e) The glass-plastic glazing specimen tested in accordance with Test No. 26 shall be clamped in the test fixture in Figure 1 of this standard in the manner shown in that figure. The clamping gasket shall be made of rubber 3 millimeters (mm) thick of hardness 50 IRHD (International Rubber Hardness Degrees), plus or minus five degrees. Movement of the test specimen, measured after the test, shall not exceed 2 mm at any point along the inside periphery of the fixture. Movement of the test specimen beyond the 2 mm limit shall be considered an incomplete test, not a test failure. A specimen used in such an incomplete test shall not be retested.

4. Figure 1 is added at the end of § 571.205 (Federal Motor Vehicle Safety Standard No. 205):

Dimensions in millimeters

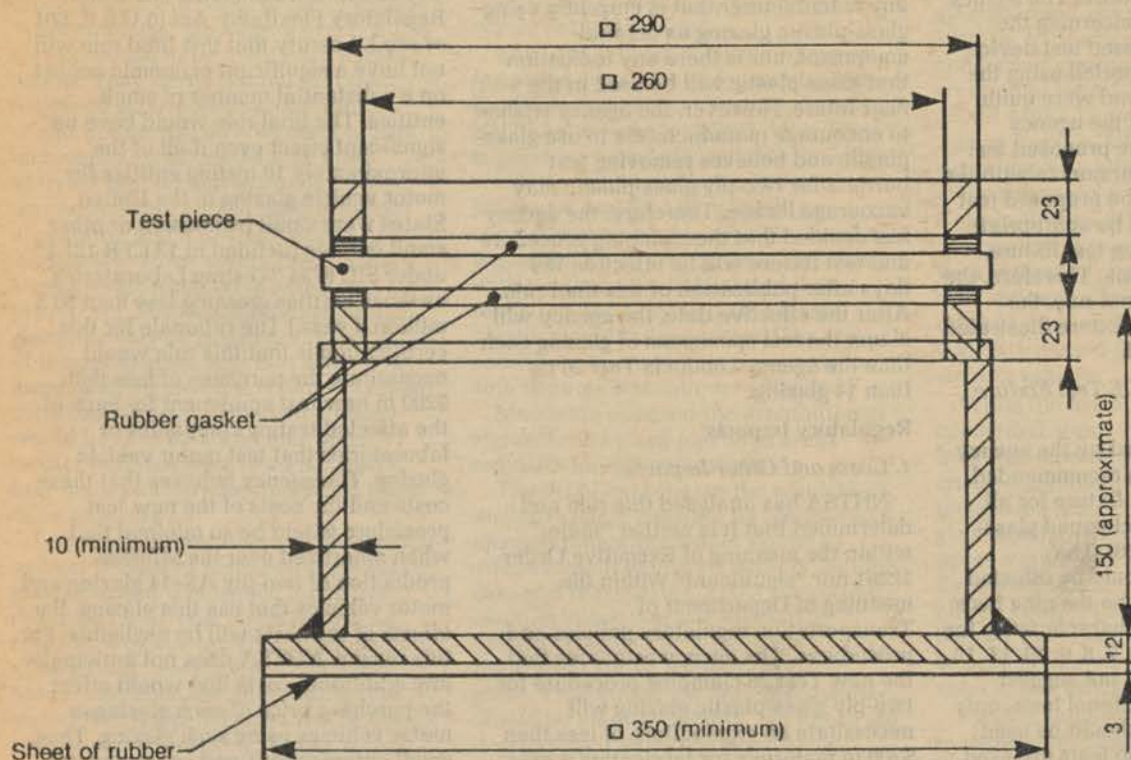


Figure 1 — Test Fixture For Clamped Specimens



Issued on: Mar. 21, 1991.

**Jerry Ralph Curry,**  
Administrator.

[FR Doc. 91-7024 Filed 3-26-91; 8:45 am]

BILLING CODE 4910-59-1



## Proposed Rules

Federal Register

Vol. 56, No. 59

Wednesday, March 27, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### OFFICE OF PERSONNEL MANAGEMENT

#### 5 CFR Part 890

RIN 3206-AD55

#### Federal Employees Health Benefits Program; Miscellaneous Changes

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing a proposed regulation which would make a number of miscellaneous changes to the Federal Employees Health Benefits Program (FEHBP) regulations. Among other things, the regulation would amend the FEHBP regulations to: (1) Establish an earlier effective date for health benefits coverage for former spouses entitled to health benefits under the Civil Service Retirement Spouse Equity Act; (2) clarify the application timeframes for former spouses; and (3) create a new health benefits policy vis-a-vis certain survivor eligibility requirements. The changes would improve the administration of the FEHBP and would result in better service to enrollees.

**DATES:** Comments must be received on or before May 28, 1991.

**ADDRESSES:** Written comments may be sent to Andrea Minniear Farran, Assistant Director for Retirement and Insurance Policy, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044, or delivered to OPM, room 4351, 1900 E Street, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mary Ann Mercer (202) 606-0780, ext. 207.

**SUPPLEMENTARY INFORMATION:** OPM is proposing regulations to enhance the administration of the Federal Employees Health Benefits (FEHBP) Program and to improve service to enrollees. The proposed changes would:

1. Permit former spouses entitled to health benefits under the Civil Service Retirement Spouse Equity Act to enroll for health coverage at an earlier date. Presently, a former spouse enrollment may not commence until the first day of the pay period which is at least 30 days after the employing office receives the completed enrollment form and all qualifying documents (5 CFR 890.806(a)). The proposed rules would shorten the waiting period by eliminating the 30-day delay in effective date. The earlier effective date would benefit those former spouse whose coverage would temporarily lapse under the present 30-day delay provision. Our contacts with agency employing offices indicate that the additional time provided in current regulations for processing enrollments is no longer needed. Consequently, the shorter timeframe is not expected to increase the burden on employing offices. Further, an effective date for former spouse enrollments that is more consistent with the general effective date for employee enrollments, as this is, should lead to less confusion within the agencies in processing applications.

2. Amend § 890.805(c) to provide an application timeframe for several groups of former spouses eligible for benefits under the Civil Service Retirement Spouse Equity Act of 1984 for whom no application timeframe was provided in the statute. The groups are: (a) Former spouses for whom an election is made more than 60 days after the divorce; (b) former spouses for whom an amended court order is made providing for an apportionment more than 60 days after divorce; and (c) former spouses for whom an election is made to provide an insurable interest annuity under 5 U.S.C. 8339(k)(1) or 8420(a). The latter group meets the definition of "former spouse" at 5 U.S.C. 8901(10)(C)(iii) and is, therefore, eligible to apply for FEHB coverage. The proposed regulations would establish a more general rule than that currently used for application timeframes in order to accommodate the above situations.

3. Create a new policy with regard to certain survivor eligibility requirements. If a surviving spouse of a deceased employee or annuitant is enrolled as an employee with a self and family enrollment at the time he or she becomes a survivor annuitant (or, if both the deceased employee or annuitant and the surviving spouse are enrolled for self

only) and the surviving spouse later separates from service without entitlement to continued coverage as a retiree, the surviving spouse may enroll for health benefits coverage as a survivor annuitant (§ 890.303(d)(2)(ii)). In other words, the surviving spouse need not have been covered as a family member under an FEHB enrollment of the deceased employee or annuitant to enroll as a survivor annuitant. The surviving spouse must, however, have been enrolled in the FEHB Program at the time of the decedent's death. This policy comports with the intent of the FEHB law to allow qualifying survivors of Federal employees to receive survivor annuities with eligibility for health benefits. Extraneous circumstances such as which spouse dies first or which enrollment arrangement was selected should not operate to deny FEHB coverage.

Also, a current spouse for whom an insurable interest benefit has been provided by the retiree would be eligible to continue health benefits enrollment as an insurable interest survivor annuitant so long as he or she was covered as a family member at the time of the annuitant's death (§ 890.303(d)(3)).

4. Extend an opportunity to change coverage when a dependent loses Medicaid benefits. Under current regulations, an employee not enrolled in the FEHB Program who is covered by Medicaid may enroll in the Program when Medicaid benefits are terminated. The proposed regulation would expand this provision by permitting enrollees to change from self only to self and family coverage when an eligible dependent loses Medicaid benefits (§ 890.301(t)).

5. Extend an enrollment opportunity to employees who move to a different commuting area to accept another Federal position (§ 890.301(x)). Presently, employees who receive a directed reassignment out of a commuting area have an opportunity to enroll if they lose coverage under the enrollment of a non-Federally employed spouse because the non-Federally employed spouse terminates employment to accompany the Federal employee. Further, an enrolled employee may change from self only to self and family coverage if the spouse loses non-Federal coverage because of the move. The proposed regulation would extend an opportunity to enroll or change to self and family enrollment to Federal



employees who move to a different commuting area to accept any Federal position. Examples of such moves would be promotions, voluntary reassignments and lateral job transfers to another geographic area. This liberalization in policy would demonstrate the effective use of personnel resources to facilitate mobility in the Federal workforce.

Further, the proposed rule extends the time period for enrolling or changing to self and family coverage from 31 to 180 days after entry on duty at the place of employment in the new commuting area. This change would allow the employee additional time for a spouse remaining behind to sell the house, for children to complete the school year, etc.

6. Set an earlier date for registering for a change in health benefits plans for those individuals who move outside the full service area of their comprehensive medical plan. At present, the enrollee may register for another plan only after the move. The effective date of the new enrollment is the first day of the first pay period that begins after the health benefits registration form is received by the employing office. This means that annuitants and individuals paid on a monthly basis can be without full health benefits coverage for as long as a month. A change of plans before the move is imminent is not practical because the move may suddenly be cancelled. We have addressed this problem by changing the regulation to permit registration upon the presentation of written notification to the losing agency of the new address for pay or annuity purposes. This will minimize plan changes based on potential moves and yet allow earlier processing of the change.

A loss of coverage situation similar to that of the enrollee's move may arise when a family member moves away from the full service area served by a comprehensive medical plan (for example, a child away at college). Paragraph § 890.301(h) addresses this type of situation as well by permitting the enrollee to register to change to a plan where service is not restricted to a specific geographic area. The enrollee must give the agency written notification of the family member's impending move in order to register to change plans.

The regulation also sets an earlier effective date of enrollment in a new comprehensive medical plan for employees on leave without pay who move out of the service area of their present HMO (§ 890.306(i)). Currently, the employee must wait until he or she returns to pay status for the change to be effective. Thus, while the employee would be permitted to register to make

the change upon written notification to the losing agency of the new address (§ 890.301(h)), he or she must pay premiums for coverage that cannot be used. The proposed rule would correct this anomalous situation by eliminating the pay status requirement for this group.

7. Clarify the existing regulatory requirement that in situations where a person has changed plans or options within a plan and that person is confined to a hospital on the last day of enrollment under the prior FEHB plan or option, the gaining carrier should assume contractual responsibility for the expenses related to confinements existent on the effective date of enrollment when the insured is not eligible for or actually receiving benefits for such confinement from the losing carrier (§ 890.401(b)(2)). Note that the regulation does not require that the gaining carrier pay if the service is not a covered benefit. It merely places a responsibility on the gaining carrier to pay if it is a benefit reimbursable under the contract.

8. Clarify that an insurable interest annuity under 5 CFR § 831.606(b) or § 842.605(b) meets the former spouse enrollment requirement at § 890.803(a)(3)(i)(C). Accordingly, a divorced spouse who is eligible for an insurable interest annuity under 5 CFR parts 831 or 842 would be able to apply for FEHB coverage under the spouse equity provisions of the FEHB law.

9. Permit retirement systems to file former spouse records in the retiree's file. The former spouse enrollment must, by law, be administered by the agency that employs the employee at the time of the divorce. Presently, employing offices are required to maintain the former spouse file separately from the employee's file (§ 890.808(b)(3)). Maintaining separate files for the former spouse and the employee helps ensure that the former spouse's file is not transferred to another agency if the employee changes jobs.

The situation of transferring employees does not arise with retirement systems. Therefore, once the retirement system acting as the employing office receives the former spouse's file and begins paying an annuity, it may be more practical for the retirement system to file the former spouse's records of the retired employee on whom the former spouse's benefit is based.

10. Clarify OPM's policy that termination of a former spouse's health benefits coverage for nonpayment of premiums is considered to be a voluntary cancellation of coverage by the former spouse (§ 890.808(d)(1)). In

accordance with FEHB cancellation procedures, the former spouse is not entitled to a temporary extension of coverage for the purpose of converting to a nongroup contract with the health benefits plan.

#### E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

#### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect Federal employees, annuitants, and former spouses.

#### List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health insurance, Retirement.

U.S. Office of Personnel Management.

Constance Berry Newman,  
Director.

Accordingly, OPM proposes to amend 5 CFR part 890 as follows:

1. The authority citation for part 890 is revised to read as follows:

Authority: 5 U.S.C. 8913; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c-1; subpart L also issued under sec. 599C of Public Law 101-153, 104 stat. 2064.

#### PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

2. In § 890.301, paragraphs (h), (t) and (x) are revised to read as follows:

##### § 890.301 Opportunities to register to enroll and change enrollment.

\* \* \* \* \*

(h) *Move from area served by comprehensive medical plan.* If a comprehensive medical plan limits full service to a geographic area, an enrollee in that plan who moves outside the full service area, or, if already living outside the full service area, moves further from the full service area, may register to change enrollment upon presenting written notification to the employing agency of the change of address for pay or annuity purposes. Similarly, if an enrollee's family member(s) move(s) out of the full service area, or moves further from the full service area, the enrollee may register to change enrollment upon presenting written notification of the move to the employing agency.

\* \* \* \* \*

(t) *Loss of medicaid coverage.* An employee who is not enrolled, but is covered by medicaid (State program of medical assistance for the needy), may



register to be enrolled within 31 days after termination of medicaid; and an employee who is enrolled for self only may change to a self and family enrollment within 31 days after an eligible family member loses coverage under medicaid.

(x) *Change to a position out of commuting area.* (1) An employee who moves out of the commuting area to accept another position and who loses coverage under a spouse's non-Federal enrollment because the non-federally employed spouse terminates his or her enrollment to accompany the Federal employee, may register to enroll within the period beginning 31 days before the date the Federal employee leaves employment in the old commuting area and ending 180 days after entry on duty at the place of employment in the new commuting area.

(2) An employee who moves out of the commuting area to accept another position and whose spouse loses non-Federal coverage when he or she terminates non-Federal employment to accompany the Federal employee, may change enrollment from self only to self and family within the period beginning 31 days before the date the Federal employee leaves employment in the old commuting area and ending 180 days after entry on duty at the place of employment in the new commuting area.

3. In § 890.303 paragraph (d) is redesignated (d)(1) and paragraphs (d)(2) and (d)(3) are added to read as follows:

#### § 890.303 Continuation of enrollment.

(2) *Employee becomes a survivor annuitant.*

(i) If an employee who is entitled to health benefits coverage is a survivor annuitant elects to enroll or to continue to be enrolled under his or her eligibility as an employee, and is thereafter separated without entitlement to continued enrollment based on his or her own service, the employee is entitled to reinstatement of the enrollment as a survivor annuitant on application to the retirement office. Reinstatement as a survivor annuitant is effective immediately after termination of the employee-acquired enrollment if the application is received by the retirement office within 60 days of separation; otherwise, reinstatement is effective on the first day of the first pay period after receipt of the application. The retirement office shall withhold from the annuity that the former employee receives as a survivor

annuitant the amounts necessary to pay the enrollee's share of the health benefits premium.

(ii) If the surviving spouse of a deceased employee or annuitant is enrolled as an employee with a self and family enrollment (or, if both the decedent and the surviving spouse were enrolled in a self only enrollment) at the time the surviving spouse becomes a survivor annuitant and the surviving spouse is thereafter separated without entitlement to continued enrollment as a retiree, the surviving spouse is entitled to enroll as a survivor annuitant. The change from coverage as an employee to coverage as a survivor annuitant must be made within 30 days of separation from service.

(iii) The employee survivor of an annuitant receiving deferred retirement benefits is not eligible for FEHBP enrollment as a survivor annuitant and therefore may not enroll based on coverage as an employee.

(3) *Insurable interest survivor annuity.* A current spouse who is an insurable interest beneficiary under § 831.606(b) or § 842.605(b) of this title is eligible to continue health benefits enrollment as an insurable interest survivor annuitant so long as he or she was covered as a family member at the time of the annuitant's death. This entitlement applies even if the spouse is eligible for continued enrollment as a survivor annuitant under another section of 5 CFR parts 831 or 843. To prevent dual coverage, the spouse must be covered under only one health benefits enrollment under this part.

4. In § 890.306, paragraph (i) is redesignated as paragraph (j) and a new paragraph (i) is added to read as follows:

#### § 890.306 Effective dates.

(i) *Move from area served by comprehensive medical plan.* The effective date of an enrollment under § 890.301(h) is the first day of the pay period that begins after the health benefits registration form is received by the employing office.

5. In § 890.401, paragraph (b)(2) is revised to read as follows:

#### § 890.401 Temporary extension of coverage and conversion.

(b) \* \* \*

(2) Any person whose enrollment has been changed from one plan to another, or from one option of a plan to the other

option of that plan, unless because of the discontinuance of the plan in whole or part or pursuant to an order of the Associate Director for Retirement and Insurance, and who is confined to a hospital or other institution for care or treatment on the last day of enrollment under the prior plan or option, is entitled to continuation of the benefits of the prior plan or option during the continuance of the confinement, but not beyond the 91st day after the last day of enrollment in the prior plan or option. The plan or option to which enrollment has been changed shall not pay benefits with respect to that person while that person is entitled to any inpatient benefits under the prior plan or option. The gaining plan or option shall begin coverage according to the limits of its FEHBP contract on the day after the day all inpatient benefits have been exhausted under the prior plan or option or the 92nd day after the last day of enrollment in the prior plan or option, whichever is earlier. For the purposes of this paragraph, "exhausted" means paid or provided to the maximum benefit available under the contract.

6. In § 890.803, paragraph (a)(3)(i)(C) is revised to read as follows:

#### § 890.803 Who may enroll.

(a) \* \* \*

(3)(i) \* \* \* (C) A survivor annuity elected by the employee under 5 U.S.C. 8339(j)(3) or 5 U.S.C. 8417(b), including a former spouse who is designated as an insurable interest pursuant to 5 CFR 831.606(b) and 842.605(b) of this title (or benefits similar to those under this paragraph under another retirement system for Government employees); or,

7. In § 890.805, paragraphs (a) and (c) are removed, paragraph (b) is redesignated as paragraph (a) and is revised, and paragraphs (d) and (e) are redesignated as paragraphs (b) and (c) respectively, as set out below:

#### § 890.805 Application time limitations.

(a) Except for former spouses meeting the requirements in § 890.803(a)(3) (iv) and (v) of this part, former spouses must apply for health benefits coverage—

(1) Within 60 days after dissolution of the marriage to the Federal employee; or

(2) Within 60 days after the date of OPM's notice of entitlement to one of the following: (i) A former spouse annuity elected under 5 U.S.C. 8339(j)(3), 5 U.S.C. 8417(b), or 5 CFR 831.621; (ii) A former spouse annuity under § 831.622; (iii) A former spouse insurable interest annuity under 5 U.S.C. 8339(k)(1) or



8420(a); (iv) An apportionment under 5 U.S.C. 8345(j) or 8467; or,

(3) Within 60 days after the date of the notice of entitlement to a former spouse annuity under another retirement system for Government employees.

8. In § 890.806, paragraph (a)(2) is removed and paragraph (a)(1) is redesignated as paragraph (a) and is revised to read as follows:

**§ 890.806 Effective dates of coverage.**

(a) *Generally.* The effective date of enrollment or change of enrollment is the first day of the first pay period after the date the employing office receives the properly completed standard form 2809 or an appropriate substitute (i.e., a signed statement with sufficient information to execute enrollment) and satisfactory proof of eligibility.

9. In § 890.808, paragraphs (b)(3) and (d)(1) are revised to read as follows:

**§ 890.808 Employing office responsibilities.**

(3) The agency employing office will maintain a health benefits file for the former spouse as a file separate from the personnel records of the employee or former employees. The retirement system acting as employing office for the former spouse may file the former spouse health benefits records in with the annuitant's retirement records.

(d) *Premium payments.* (1) The former spouse must remit to the employing office the full subscription charge for the enrollment for every pay period during which the enrollment continues, exclusive of the 31-day temporary extension of coverage for conversion provided in §§ 809.401 and 890.807(a)(2). Payment must be made after the pay period in which the former spouse is covered in accordance with a schedule established by the employing office (see definition of "pay period" under § 890.101(a)). If the employing office does not receive payment by the due date, the employing office will notify the former spouse by certified mail return receipt requested that continuation of coverage rests upon payment being made within 15 days (45 days for former spouses residing overseas) after receipt of the notice. The enrollment of an individual who fails to remit payment within the specified timeframe will be terminated. Termination for nonpayment of premium is considered a voluntary cancellation under § 890.807(d). A former spouse whose enrollment is terminated because of nonpayment of

premium may not reenroll or reinstate coverage, except as provided in paragraph (d)(2) of this section

[FR Doc. 91-7247 Filed 3-26-91; 8:45 am]  
BILLING CODE 6325-01-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 260

[Release Nos. 33-6889, 39-2261; File No. S7-19-89; International Series Rel. No. 244]

RIN 3235-AC64

### Multijurisdictional Disclosure; Eligibility of Canadian Trustees and Exemption for Canadian Trust Indentures From Specified Provisions of the Trust Indenture Act

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Proposed rules.

**SUMMARY:** The Securities and Exchange Commission ("Commission") is publishing for comment a proposed rule under the Trust Indenture Act of 1939 ("Trust Indenture Act") to permit persons authorized to exercise corporate trust powers and subject to federal supervision or examination under the laws of Canada to act as sole trustees under indentures qualified or to be qualified under the Trust Indenture Act in connection with offerings under the Commission's proposed multijurisdictional disclosure system with Canada. If the new proposal, which implements authority recently granted to the Commission by the Trust Indenture Reform Act of 1990 ("Reform Act"), is adopted, it appears that the rule changes relating to indenture trusteeships in the Commission's reproposal of the multijurisdictional disclosure system would not be necessary. In addition, public comment is sought on a proposed rule under the general exemptive authority of recently amended section 304(d) of the Trust Indenture Act to exempt trust indentures of Canadian issuers filing registration statements in the United States under the multijurisdictional disclosure system from the operation of specified provisions of the Trust Indenture Act. The rule would be available for trust indentures subject to the Canada Business Corporations Act or to the Business Corporations Act, 1982 (Ontario).

**DATES:** Comment letters should be received on or before April 26, 1991.

**ADDRESSES:** Comments should be submitted in triplicate to Jonathan G.

Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Mail Stop 6-9, Washington, DC 20549. Comment letters should refer to File No. S7-19-89. All comment letters received will be made available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC.

### FOR FURTHER INFORMATION CONTACT:

Felicia Smith or Michael Hyatte (202) 272-2573, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** The Commission is proposing for comment new Rules 4d-9 and 10a-5 under the Trust Indenture Act.<sup>1</sup>

### I. Executive Summary and Background

The Commission is proposing two new rules under the Trust Indenture Act intended to facilitate the implementation of the Commission's proposed Multijurisdictional Disclosure System with Canada ("MJDS").<sup>2</sup> Proposed Rule 10a-5 would permit Canadian trustees subject to supervision or examination under the Trust Companies Act (Canada) ("CTCA")<sup>3</sup> or the Canada Deposit Insurance Corporation Act ("CDICA")<sup>4</sup> to act as sole indenture trustees for offerings under the MJDS. Proposed Rule 4d-9 would exempt trust indentures subject to the Canada Business Corporations Act ("CBCA")<sup>5</sup> or the Business Corporations Act, 1982 (Ontario) ("OBICA")<sup>6</sup> from the operation of specified provisions of the Trust Indenture Act. In proposing these rules, the Commission is exercising authority granted under the amendments to the Trust Indenture Act included in the Reform Act.<sup>7</sup>

The repropoed MJDS would permit Canadian issuers meeting eligibility criteria to satisfy certain securities registration and reporting requirements under the securities laws of the United States through disclosure documents prepared in accordance with the requirements of Canadian regulatory authorities. Under the Commission's October 1990 repropoal of the MJDS,

<sup>1</sup> 15 U.S.C. 77aaa et seq.

<sup>2</sup> See Release Nos. 33-6879 (October 22, 1990) 55 FR 46288 ("Reproposing Release") and 33-6041 (July 24, 1989) 54 FR 32226 ("Proposing Release").

<sup>3</sup> Trust Companies Act (Canada), R.S.C. 1985.

<sup>4</sup> Canada Deposit Insurance Corporation Act, R.S.C. 1985.

<sup>5</sup> Canada Business Corporations Act, R.S.C. 1985 §§ 82-93.

<sup>6</sup> Business Corporations Act, 1982 (Ontario), S.O. 1982 § 46-52.

<sup>7</sup> Title IV, Public Law No. 101-550, 1990 U.S. CONG. AND AD. NEWS (104 Stat.) 2713, 2721-32.



debt offerings would be subject to all the requirements of the Trust Indenture Act except, as discussed below, the requirement that there be a United States trustee.

In proposing the MJDS, the Commission noted that the U.S. trustee requirement "could create an impediment to the efficient use of the multijurisdictional system by Canadian issuers" and "disrupt established Canadian business practices," because Canadian trust indentures "invariably provide for all trustees to be Canadian registered trust companies \* \* \*".<sup>8</sup> Noting that its existing exemptive authority under section 304(d) of the Trust Indenture Act<sup>9</sup> was limited to case-by-case determinations, and exercisable only through orders, the Commission proposed rules and forms creating procedures for application to the Commission for exemptions from the U.S. trustee requirement for offerings made under the MJDS.<sup>10</sup>

The Reform Act has provided the Commission with the authority to permit foreign persons to act as sole indenture trustees as a class or on a case-by-case basis. This change has eliminated the need for Canadian issuers conducting debt offerings under the MJDS to seek orders for exemption from the U.S. trustee requirement on a case-by-case basis as would have been required under the repropoed MJDS. As the Senate Report notes, "[r]ecognizing developments in the internationalization of the securities markets, [amended Section 310(a)(1)]<sup>11</sup> authorizes] the Commission to allow, by rule or order, foreign persons to act as sole trustees under a qualified indenture if the foreign persons can exercise trust powers and are subject to regulation substantially equivalent to that applicable to United States trustees."<sup>12</sup> The amended statute further provides that, in granting such permission, the Commission shall consider the eligibility of U.S. institutional trustees to act as sole trustee in the foreign jurisdiction.

The Commission is publishing for public comment proposed Rule 10a-5 relating to the eligibility of Canadian trustees. The rule would permit a Canadian trust company subject to supervision or examination by Canadian federal authorities under the CTCA or the CDICA to act as sole trustee in

connection with offerings under the MJDS. It is contemplated that if proposed Rule 10a-5 is adopted previously proposed Rules 4d-1 through 4d-6 would not be necessary.

As a further step toward implementing the MJDS with Canada, the Commission is proposing to exempt trust indentures that are subject to the CBCA or the OBCA from the operation of specified provisions of the Trust Indenture Act. Under its expanded statutory authority, the Commission may, by rule or order, exempt conditionally or unconditionally any indenture from one or more provisions of the Trust Indenture Act. Section 304(d) provides that such exemptive authority may be exercised by the Commission "if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended" by the Trust Indenture Act. Proposed Rule 4d-9 would exempt trust indentures of issuers that are subject to the CBCA or the OBCA from the operation of sections 310 through 318 of the Trust Indenture Act,<sup>13</sup> except for paragraphs (a)(1), (a)(2), and (a)(5) of section 310,<sup>14</sup> which specify eligibility standards for institutional trustees, and section 316(b),<sup>15</sup> which protects the unconditional right of any holder of any indenture security to receive payment of principal and interest when due and payable, and to institute suit for the enforcement of past due payments of principal and interest.

## II. Discussion

### A. Eligibility of Canadian Trustees

#### 1. Statutory Requirements

Section 310(a) of the Trust Indenture Act requires that there shall at all times be at least one corporate trustee domiciled in the United States, authorized to exercise corporate trust powers and subject to supervision or examination by federal or state authority. Through the Reform Act, Congress has recognized that the legislative objectives of the Trust Indenture Act may be fulfilled by corporate trustees organized outside the United States. As amended by the Reform Act, section 310(a) of the Trust Indenture Act empowers the Commission by rule or by order to permit a corporation or other person organized and doing business under the laws of a foreign country to act as sole trustee under a qualified indenture if

such person is authorized under the laws of its domicile to exercise corporate trust powers and is subject to supervision or examination by the foreign government substantially equivalent to the supervision or examination applicable to institutional trustees in the United States. The amendment requires the Commission to consider the extent to which under the laws of the foreign government a United States institutional trustee is eligible to act as sole trustee in the foreign jurisdiction.<sup>16</sup>

As early as 1946, the Commission noted the substantial comparability in the treatment of indenture trusteeships by the United States and Canada, including the authorization to exercise trust powers and the system of supervision or examination. In *Gatineau Power Company*,<sup>17</sup> the Commission, acting pursuant to its exemptive authority under section 304(d) of the Trust Indenture Act (then limited to the indentures of foreign obligors),<sup>18</sup> permitted the Royal Trust Company of Montreal to act as sole indenture trustee under the qualified indenture of a Canadian obligor. In granting its order, the Commission stated that, except for the requirement of domestic organization, the Canadian institutional trustee "otherwise met the requirements of eligibility and qualification under section 310 of the Act."<sup>19</sup>

The first prerequisite under section 310(a) for the Commission to be able to exercise its authority to permit a foreign entity to act as a sole trustee is that such entity be authorized to exercise trust powers in its home country. In both the United States and Canada, corporations authorized to exercise trust powers are predominantly depository institutions. Trust companies are organized under federal law in both countries, under state law in the United States, and under provincial law in Canada.

Under the U.S. regulatory scheme for institutional trustees, the Comptroller of the Currency, who has supervisory responsibility for national banks, is authorized to grant special permits to national banks authorizing the exercise

<sup>8</sup> Proposing Release at 32246.

<sup>9</sup> 15 U.S.C. 77ddd(d).

<sup>10</sup> Proposed Rules 4d-1 through 4d-6 and proposed Form T-5. See Proposing Release at 32246-48 and Reproposing Release at 45909-10.

<sup>11</sup> 15 U.S.C. 77jjj(a)(1).

<sup>12</sup> Senate Report No. 101-155, 101st Cong., 2d Sess., 35 (1989) ("Senate Report").

<sup>13</sup> 15 U.S.C. 77jjj-77rrr.

<sup>14</sup> 15 U.S.C. 77jjj (a)(1), (a)(2), and (a)(5).

<sup>15</sup> 15 U.S.C. 77ppp(b).

<sup>16</sup> See *infra* Section II.A.2.

<sup>17</sup> Commission File Nos. 2-6439, 22-548 (June 27, 1946).

<sup>18</sup> Section 304(d) in its original form authorized the Commission, acting on the application of a foreign obligor, to issue orders exempting the issuer from one or more provisions of the Act on a case-by-case basis. The Reform Act generalized the Commission's authority. Pub. L. 101-550 § 403(2).

<sup>19</sup> Securities and Exchange Commission, Manual of the Trust Indenture Act of 1939 (1958) ("Trust Indenture Act Manual") at 4. See also *Trans-Canada Pipe Lines Limited*, Commission File Nos. 2-12927, 22-1989 (January 17, 1957).



of trust powers to the same extent as such powers are allowed to state banks in the same jurisdiction.<sup>20</sup> State banking laws create licensing authority for the conduct of corporate trust powers for banks chartered under their authority. For example, a bank that is also authorized as a trust company under New York law has the fiduciary power "[t]o take, accept and execute any and all such trusts, duties and powers of whatever nature and description as may be conferred upon or entrusted or committed to it by any persons, or any \* \* \* corporation."<sup>21</sup>

Trust companies eligible to act as indenture trustees under the CTCA and Canadian provincial law<sup>22</sup> are authorized under such laws to exercise corporate trust powers. Under the CTCA, no company may commence the business of exercising trust powers unless it obtains a certificate from the Office of the Superintendent of Financial Institutions ("OSFI").<sup>23</sup> Powers specified in the CTCA include the power to "accept and execute all such trusts of every description and nature as are entrusted to it by any government or person, or committed or transferred to it by the order of a judge or by the order, judgment or decree of any court in Canada or elsewhere."<sup>24</sup>

The second prerequisite under section 310(a) for the Commission to exercise its authority to permit trusteeship by a foreign entity is that the foreign trustee be subject to supervision or examination substantially equivalent to that applicable to U.S. trustees. In the United States and Canada, regulation of trust companies that are also depository institutions may be effected through federal agencies, through state or provincial agencies, or concurrently by federal and state or provincial agencies. In all cases, the depository institutions are subject to substantive regulation of business under the supervision and examination of the responsible agencies. The common objective of these

regulatory systems is the safety and soundness of the depository institution. To this end, U.S. and Canadian examination procedures and the licensing and chartering procedures referred to earlier are designed to assess the financial condition, management and systems of internal control of the supervised institution.

National banks in the United States are subject to examination at least annually by the Comptroller of the Currency,<sup>25</sup> a process that includes preparation of an annual report of the bank's conduct of trust activities.<sup>26</sup> National banks acting as trustees must segregate assets held in fiduciary capacities from general assets and maintain separate books and records for assets held in fiduciary capacities.<sup>27</sup> Trust powers granted by the Comptroller are subject to revocation if, in the Comptroller's opinion, such powers have been exercised unlawfully or unsoundly.<sup>28</sup>

Depending on where the trustee is incorporated, a Canadian trust company is subject to supervision and examination by a responsible authority under either the CTCA or parallel provincial law. The conduct of corporate trusteeships under indentures is within the regulatory and supervisory power of the federal and provincial authorities. Canadian trust companies formed under provincial laws that participate in the Canadian deposit insurance system are subject to supervision and examination under the CDICA<sup>29</sup> in addition to concurrent provincial regulation.

The CTCA provides an extensive regulatory scheme for corporate trustees subject to federal law. At least annually, such trustees are examined by OSFI.<sup>30</sup> The OSFI describes its fundamental objectives in the examination process to include assessing of financial solvency and ensuring compliance with legislative obligations.<sup>31</sup> The

examination of the trust company's condition is required to include inspection of the books of such trustee's officers, agents, and employees.<sup>32</sup> The enforcement powers of OSFI include "cease and refrain" power to correct unsafe or unsound practices and the power to order remedial action as deemed necessary.<sup>33</sup>

Provincially incorporated trust companies that are members of the Canadian deposit insurance system must be examined annually by a representative of the Canada Deposit Insurance Corporation ("CDIC").<sup>34</sup> The examination report for a CDIC member is required to include the examiner's opinion whether the operations of the member institution are conducted according to standards of sound business and financial practice, and whether the institution is in satisfactory financial condition.<sup>35</sup> If the CDIC finds any deficiency in these matters, the CDIC will notify the member of the matter requiring remedial action.<sup>36</sup> If corrective measures are not satisfactory, the institution's membership may be revoked and its deposit insurance terminated.<sup>37</sup>

Based on a review of Canadian law, it appears that the supervision or examination under the CTCA or the CDICA applicable to institutional trustees in Canada is substantially equivalent to supervision or examination applicable to institutional trustees in the United States. Commenters are specifically requested to address the substantial equivalence of the supervision and examination of institutional trustees in Canada to that in the United States. In particular,

<sup>20</sup> CTCA § 92(2).

<sup>21</sup> CTCA § 91.1(1). A similar regulatory structure is applicable to Ontario trust companies. For example, Ontario trust companies are subject to supervisory prescriptions including the requirement to file financial and other information with the Superintendent of Deposit Institutions. OTCA § 134. Ontario trust companies are subject to annual examinations by the superintendent. *Id.* § 184(1). The corporation's annual return, which includes financial statements and an auditor's report, is required to outline the financial condition and affairs of the corporation for the fiscal year. *Id.* § 135. Regulations under the Ontario statute prescribe forms, fees, retention of records by the trustee, financial statements and method of preparation, calculation of capital base, auditors' reports, and qualifications for officers of the trustee. *Id.* § 223.

<sup>22</sup> CDICA § 28(1). Provincial trust company regulators in the province of incorporation usually conduct the examination on behalf of CDIC pursuant to arrangements between CDIC and the responsible provincial agency. OSFI conducts some examinations on behalf of CDIC under similar arrangements.

<sup>23</sup> *Id.* § 29(b) and (c).

<sup>24</sup> *Id.* § 30(1).

<sup>25</sup> *Id.* § 31.

<sup>26</sup> National Banking Act, 12 U.S.C. 92a(a).

<sup>27</sup> New York Banking Law, § 100 (McKinney's 1990). The New York statute makes specific reference to indenture trusteeships ("To act as trustee under any mortgage or bonds \* \* \*"); such explicit references are not found in all state banking laws.

<sup>28</sup> See, e.g., Loan and Trust Corporations Act (Ontario), 1987, Ont. Stat. c. 33 ("OTCA").

<sup>29</sup> CTCA § 15(1).

<sup>30</sup> *Id.* § 71(b). Similarly, an Ontario corporation may not exercise trust powers unless it has been registered as a trust company. Section 30(1) of the OTCA requires the supervising authority to determine, distinguish, and register corporations required to be registered by the statute.

Furthermore, under section 33 of the OTCA, an application must be rejected if the corporation has not demonstrated that it has the capacity and power to engage in activities of a trust corporation.

<sup>31</sup> National Banking Act, 12 U.S.C. 161, 12 CFR 4.11(a).

<sup>32</sup> 12 CFR 4.11(b)(4).

<sup>33</sup> National Banking Act, 12 U.S.C. 92a(c).

<sup>34</sup> National Banking Act, 12 U.S.C. 92a(k); 12 CFR 9.17(b). Virtually all state-chartered banks that act as trustees under qualified indentures are also subject to federal supervision or examination for standards of safety and soundness through the Board of Governors of the Federal Reserve System, Federal Reserve Act, 12 U.S.C. 248(a), 325, 481, or the Federal Deposit Insurance Corporation, *Id.* 12 U.S.C. 1817.

<sup>35</sup> CDICA, §§ 27-30.

<sup>36</sup> CTCA, § 92(1).

<sup>37</sup> OSFI, Examination Framework for Deposit-Taking Institutions at 2.



commenters are invited to identify the significant requirements and procedures, employed in the supervision or examination of institutional trustees by U.S. authorities, that the Commission should consider in determining whether institutional trustees are subject to substantially equivalent supervision and examination by Canadian authorities. Commenters should be aware that these requirements and practices may also have applicability as the Commission considers issuance of rules or orders permitting institutions from other jurisdictions to act as sole trustees.

## 2. Eligibility of U.S. Institutions to Serve as Trustees in Canada

In addition to the two conditions for the Commission to allow foreign institutions to act as sole trustees, the Trust Indenture Act, as amended, directs that the Commission consider whether under the laws of the foreign jurisdiction a United States institutional trustee would be eligible to act as sole trustee under an indenture relating to securities sold in the foreign jurisdiction in question.

The Canadian proposal for a system of multijurisdictional disclosure parallel to MJDS will allow United States issuers to comply with Canadian registration and reporting requirements with the use of disclosure documents prepared in conformity with United States regulations. The system under consideration in Canada also would generally permit United States institutional trustees to serve as sole indenture trustees in offerings under the system by dispensing with requirements that the trustee be a Canadian resident.<sup>38</sup> However, as currently drafted, British Columbia law concerning the residence of the trustee would not be subject to that dispensation.<sup>39</sup> Thus, an issuer offering or selling debt securities in the province of British Columbia would be required to use a trustee that is eligible under British Columbia law.<sup>40</sup> The British Columbia authorities have advised that they intend to seek legislative amendments that would allow United States trustees to serve under indentures in such offerings. However, any such amendment is unlikely to be effected prior to adoption of the MJDS. Comment is requested as to the impact of the

current British Columbia requirement. Should adoption of proposed Rule 10a-5 be deferred until a comparable change in British Columbia requirements is adopted? Alternatively, should the rule be revised so that it does not apply to trustees organized under British Columbia law or for securities of obligors organized under British Columbia law?

## 3. Proposed Rule 10a-5

Proposed Rule 10a-5 would permit a trust company incorporated under the laws of Canada or a political subdivision of Canada that is authorized to carry on the business of a trust company and subject to supervision or examination pursuant to the CTCA or the CDICA ("Canadian Trustee") to act as sole trustee under an indenture qualified under the Trust Indenture Act for offerings under MJDS by relieving the Canadian Trustee from the requirement of U.S. domicile. The Commission anticipates that adoption of the rule will be considered concurrently with adoption of the MJDS.

Under the proposed rule, each eligible Canadian Trustee would file a consent to service of process and power of attorney on Form F-X, with the registration statement covering the indenture securities to which the trusteeship relates. Otherwise, the rule will be self-executing, requiring no further action by the obligor or the trustee to establish the trustee's eligibility under amended section 310(a) of the Trust Indenture Act.

No statement of eligibility on Form T-1<sup>41</sup> would be required, because the remaining requirements of section 310(a) for authorization to exercise corporate trust powers and minimum capitalization would necessarily have been satisfied by a Canadian Trustee. As discussed previously, the Canadian system for registration and incorporation of trust companies effectively provides that only a company so registered or incorporated is authorized to exercise corporate trust powers. The \$150,000 minimum combined capital and surplus requirement of section 310(a)(2)<sup>42</sup> is met because, under Canadian law, a federally incorporated trust company must have a minimum unimpaired paid-up capital stock of \$1,000,000 (Can.).<sup>43</sup> Provincially regulated trust companies are similarly subject to capitalization requirements exceeding the amount required by section 310(a)(2). In Ontario, a minimum capital base of \$10,000,000

(Can.) is required.<sup>44</sup> In Quebec, the minimum is \$5,000,000 (Can.) in common shareholders' equity.<sup>45</sup> The final standard of section 310(a), the proscription of trusteeships by the obligor itself or any of its affiliates, is met because, according to Canadian authorities, such a trusteeship would be a fatally impermissible conflict of interest under the CBCA and comparable provincial law.<sup>46</sup> In light of these factors, comment is requested concerning whether Canadian Trustees should nevertheless be required to file the Form T-1 as an exhibit to registration statements under the MJDS, to provide information concerning eligibility under section 310(a).

As noted above, it appears that, on adoption of proposed Rule 10a-5, the Commission's prior proposal for case-by-case determination of Canadian Trustee eligibility would not be necessary. Commenters are nonetheless requested to address whether it would be preferable to adopt both approaches, as alternative methods of authorizing service by Canadian trustees.

As proposed, the rule would limit the use of Canadian Trustees to offerings under the MJDS. Comment is requested as to whether this limitation is appropriate, or whether Canadian Trustees should be permitted to act as trustees under indentures for offerings other than those eligible under the MJDS.

Comment is also requested on the rule's limitation to trustees supervised or examined under the CTCA or the CDICA. The four trust companies that, at the present time, conduct virtually all of the indenture trusteeships in Canada are subject to supervision and examination under either the CTCA or the CDICA.<sup>47</sup> Nonetheless, comments are requested as to whether proposed Rule 10a-5 should be expanded to cover provincially incorporated trust companies not subject to any form of Canadian federal supervision or examination. In this regard, commenters should address the substantial equivalence of the provincial regulatory

<sup>38</sup>OTCA, § 33(a).

<sup>39</sup>Trust Companies and Savings Companies Act (Quebec), 1987, Rev. Stat. Chap. 95 § 227(4).

<sup>40</sup>See CBCA § 83(1); OBCA § 48(1).

<sup>41</sup>The Canadian securities regulators have advised that currently virtually all of the indenture trustees business is conducted by Central Guaranty Trust Company, a Canada corporation; Montreal Trust, through Montreal Trust Company of Canada, a Canada corporation, and Montreal Trust Company, a Quebec corporation; the National Trust Company, an Ontario corporation; and The Royal Trust Company, a Quebec corporation. Each of the provincially incorporated trust companies is a member of the CDIC.

<sup>38</sup>Draft National Policy Statement No. 45—Multijurisdictional Disclosure System at 24.

<sup>39</sup>*Id.*

<sup>40</sup>Under Section 98(1) of the Company Act (British Columbia), 1978, ("British Columbia Company Act") at least one indenture trustee is required to be eligible to do business in British Columbia, or authorized to conduct trust business under the Financial Institutions Act.

<sup>41</sup>17 CFR 209.1.

<sup>42</sup>15 U.S.C. 77jj(a)(2).

<sup>43</sup>See CTCA § 15(2)(e).



systems to the system of supervision or examination applicable to institutional trustees in the United States.

*B. Exemption of Canadian Trust Indentures From Specified Provisions of the Trust Indenture Act*

**1. Trust Indenture Regulation in the United States and Canada**

The primary focus of the Trust Indenture Act is the protection of investors in debt securities, including the provision of a means for enforcing the collective rights of holders of such debt securities.<sup>48</sup> Enacted to provide a regulatory scheme for publicly-offered securities issued under trust indentures, the Trust Indenture Act was designed to eliminate those corporate trust practices that were viewed as "injurious to the capital markets, to investors, and to the general public,"<sup>49</sup> and to provide a mechanism for correcting perceived deficiencies in the trust indenture instrument.<sup>50</sup> In general, the statute provides for appointment of an independent and qualified trustee,<sup>51</sup> fixes preferential collection rights in favor of indenture security holders ("holders"),<sup>52</sup> establishes means for communication among holders,<sup>53</sup> requires reports to holders from both the obligor<sup>54</sup> and the trustee,<sup>55</sup> prescribes a high standard of care for the trustee,<sup>56</sup> and confers legal standing on the trustee to enforce indenture provisions.<sup>57</sup> As a result of the Reform Act amendments, the statutory provisions in sections 310 through 318(a) of the Trust Indenture Act<sup>58</sup> are now deemed part of each indenture to be qualified under the Act by operation of law, and indenture provisions inconsistent with required provisions of the Act have no legal effect.

The Trust Indenture Act provides that debt security holders, as third-party beneficiaries of the indenture contract, will have specific rights under the indenture and the Act. Preeminent among those rights is that no provision of the indenture or of the security may impair or affect the right of any holder of a security issued under the indenture to receive payment of principal and interest, when due and payable, or to sue for past due payments. This right to pursue remedies upon payment default cannot be impaired or affected without such holder's individual consent.<sup>59</sup> In addition, the Reform Act clarified that a holder has a private right of action to enforce the rights and duties prescribed by sections 310-318(a) of the Trust Indenture Act.<sup>60</sup>

The CBCA governs trust indentures<sup>61</sup> for debt obligations issued or to be issued thereunder by a company incorporated or continued<sup>62</sup> under the CBCA in a public distribution.<sup>63</sup> To the extent the trust indenture, indenture securities, or the lien created by the indenture is subject to the law of a province or another country that is "substantially equivalent" to the CBCA, the Director General of Corporations appointed under Section 260 of the CBCA<sup>64</sup> may exempt the trust indenture from the requirements of the CBCA.<sup>65</sup> The CBCA, among other things, prohibits appointment of any person as indenture trustee with a material conflict of interest,<sup>66</sup> sets forth a high standard of care by the trustee in the exercise of its powers,<sup>67</sup> and provides

means for communication among holders.<sup>68</sup>

The CBCA and OBCA provisions governing trust indentures are modeled on the investor protection provisions of the Trust Indenture Act of 1939.<sup>69</sup> Several of the legislative objectives of the CBCA are drawn from the "Necessity for Regulation" embodied in Section 302 of the Trust Indenture Act,<sup>70</sup> including providing (a) "full and fair disclosure" at issuance and throughout the life of the indenture securities, (b) means by which holders may on the basis of the disclosure provided take concerted action to protect their interests, and (c) the services of a "disinterested trustee" who in the administration of its trust will "conform to the high standards of conduct now observed by the more conscientious trust institutions."<sup>71</sup> The CBCA, which requires the parties to the indenture to adhere to standards and obligations imposed by the statute, is self-executing.<sup>72</sup>

The Trust Indenture Act and the CBCA include many comparable investor protection provisions. For example, each statute recognizes the pivotal role of an independent trustee in the administration of the indenture on behalf of widely-dispersed public debt security holders. While the Trust Indenture Act establishes a finite list of enumerated relationships<sup>73</sup> that upon default under the indenture would be disqualifying conflicts of interest,<sup>74</sup> the CBCA has a general prohibition on any "material" conflict of interest.<sup>75</sup>

<sup>48</sup> Section 318(b) [15 U.S.C. 77ppp(b)].

<sup>49</sup> Section 322(b) [15 U.S.C. 77vvv(b)].

<sup>50</sup> CBCA § 82(1) ("any deed, indenture or other instrument, including any supplement or amendment thereto, made by a corporation after its incorporation or continuance under this Act, under which the corporation issues debt obligations and in which a person is appointed as trustee for the holders of the debt obligations issued thereunder"). See also OBCA § 46(1)(b).

<sup>51</sup> See id. § 3(1) (making the CBCA applicable to every corporation incorporated thereunder and every body corporate continued as a corporation under the CBCA that has not been discontinued thereunder). Thus, those corporations incorporated by Act of Parliament or by provincial acts and who would become subject to the CBCA were not required to dissolve and form *de novo* under the CBCA, but instead would be deemed to have continued their corporate existence under the new statute.

<sup>52</sup> Id. § 82(2). Compare OBCA § 46(2) (applicable if debt securities are offered by prospectus in Ontario).

<sup>53</sup> See id. § 2(1).

<sup>54</sup> Id. § 82(3). See *infra* note 93 for a discussion of the limited use of this authority.

<sup>55</sup> Id. § 83(1). See also OBCA § 48(1).

<sup>56</sup> Id. § 91 (trustee required to "act honestly and in good faith with a view to the best interests of the holders" and "exercise the care, diligence and skill of a reasonably prudent trustee"). See also OBCA § 47.

<sup>68</sup> Id. § 85(1) ("a holder" of indenture securities may require the trustee to furnish information on holders of securities issued under the indenture). See also, OBCA § 52 (providing that "any person" may require the trustee to provide a list containing information similar to that required by CBCA § 85(1)).

<sup>69</sup> 15 U.S.C. 77jjj-77rrr(a).

<sup>70</sup> 15 U.S.C. 77bbb.

<sup>71</sup> Canada Business Corporations Act (CCH) *Canada Corp. L. Rep.* ¶ 4910 at 1390-1391 (1989) ("*Canada Corp. L. Rep.*").

<sup>72</sup> Id. at 1390 (the federal act and the OBCA "establish a basic code of behavior for trustees under trust indentures"). The CBCA imposes statutory standards that are applicable "irrespective of any contradictory term in a trust indenture." R. A. Kingston, *Canada Corporation Manual* at 6-101; and the provisions with respect to the conduct of trustees "applies to all current trust indentures, whether or not other provision has been made in this regard," see *Canada Corp. L. Rep.* ¶ 5085 at 1409.

<sup>73</sup> Id. ¶ 4935 at 1397-1398. See also, *Trust Indenture Act Manual* at 10-11.

<sup>74</sup> Sections 310(b)(1)-310(b)(10) [15 U.S.C. 77jjj(b)(1)-77jjj(b)(10)].

<sup>75</sup> CBCA § 83(1). See also OBCA § 48(1).

<sup>48</sup> See section 302(a) (15 U.S.C. 77bbb(a)); House Report No. 1016, 76th Cong., 1st Sess., (June 30, 1939) ("H. Rep. 1016") "A. General Statement. Scope of the bill." and "B. Objectives and Method of Operation of the Bill. Method of operation of the bill." See also Securities and Exchange Commission, Report on the Study and Investigation of the Work, Activities, Personnel and Functions of Protective and Reorganization Committees. Part VI: Trustees under Indentures (June 18, 1936).

<sup>49</sup> See section 302(b) (15 U.S.C. 77bbb(b)).

<sup>50</sup> H. Rep. 1016 "B. Objectives and Method of Operation of the Bill. Correction of trust indenture."

<sup>51</sup> Section 310(a) and (b) (15 U.S.C. 77jjj(a) and (b)).

<sup>52</sup> Section 311(a) (15 U.S.C. 77kkk(a)).

<sup>53</sup> Section 312(b) and (c) (15 U.S.C. 77lll(b) and (c)).

<sup>54</sup> Section 314(a) (15 U.S.C. 77nnn(a)).

<sup>55</sup> Section 313(a) and (b) (15 U.S.C. 77mmm(a) and (b)).

<sup>56</sup> Section 315 (15 U.S.C. 77ooo).

<sup>57</sup> Section 317(a) (15 U.S.C. 77qqq(a)). See Senate Report at 30-31.

<sup>58</sup> 15 U.S.C. 77aaa-77rrr(a).



Similarly, the "reasonably prudent trustee" standard of care<sup>76</sup> mandated by the CBCA provides that trustees under Canadian indentures are subject to standards comparable to those applicable to trustees under the Trust Indenture Act.<sup>77</sup> Neither statute permits exculpatory provisions in the indenture;<sup>78</sup> the prohibition under the CBCA is extended to include any agreement between the trustee and holders of debt obligations, or the trustee and issuers or guarantors.<sup>79</sup>

Finally, investors under each statute are provided timely information on the securities and obligor,<sup>80</sup> and afforded the means to collectively enforce their rights under the trust indenture. For example, each statute requires the trustee to provide information on security holders to persons who satisfy the statutory prerequisites.<sup>81</sup> Thus, information on defaults and the means to communicate with other holders concerning common interests under the indenture are present.

In one important respect, however, CBCA regulation of trust indentures does not correspond to the investor protection mandated by sections 310 to 318 of the Trust Indenture Act. The CBCA does not contain a provision comparable to section 316(b) of the Trust Indenture Act,<sup>82</sup> which affords substantive protection to holders.<sup>83</sup> That section provides that each holder has a right to receive payments of principal and interest, when due and payable, and to institute suit therefor. It is intended to protect minority holders from debt readjustment plans that are not supervised by a bankruptcy court,<sup>84</sup> and is a central part of the protections afforded by the Trust Indenture Act.

The OBCA<sup>85</sup> contains provisions that are virtually identical to the provisions

of the CBCA. The OCBA is applicable to all trust indentures used in connection with debt offerings made by prospectus in Ontario whether or not made by an Ontario corporation. Several other Canadian political subdivisions<sup>86</sup> also have enacted statutes regulating trust indentures, which appear to be modeled on the CBCA. With the exception of the British Columbia Company Act, these statutes are applicable only to issuers incorporated under such statutes. The OBCA<sup>87</sup> has a provision permitting exemptions from its requirements relating to trust indentures for indentures prepared in accordance with the trust indenture regulations in other jurisdictions, but that exemptive authority has never been used.

The British Columbia Company Act appears to have several variations from the CBCA. While a number of those variations appear to be insignificant,<sup>88</sup> there may be substantive differences relating to the conflict of interest standard<sup>89</sup> and the duty of care by the trustee in exercising its powers and discharging its duties<sup>90</sup> under the indenture.

<sup>76</sup> See Business Corporations Act of Alberta, Alta. Stat. c. B-15 (1984) §§ 77-88; The Company Act of British Columbia, B.C. Rev. Stat. c. 59 (1979) ("British Columbia Company Act") §§ 96-107; The Corporations Act of Manitoba, Man. Rev. Stat. c. C225 (1987) §§ 77-88; The Corporations Act of Newfoundland, Nfld. Stat. c. 12 (1986) ("Newfoundland Corporations Act") §§ 141-154; The Business Corporations Act of Saskatchewan, Sask. Rev. Stat. c. B-10 (1978) §§ 77-88; and Business Corporations Act of the Yukon, Yuk. Rev. Stat. c. 15 (1986) §§ 82-93.

Certain Canadian political subdivisions have no legislation regulating trust indentures (New Brunswick, Nova Scotia, Prince Edward Island, and Quebec). Most debt offerings made in those provinces by prospectus are also made by prospectus in Ontario, in which case the trust indenture requirements of the OBCA apply.

<sup>77</sup> OBCA § 46(4). This exemptive authority may be exercised to the extent the Ontario Securities Commission is satisfied that it would not be prejudicial to the public interest.

<sup>78</sup> Section 97 of the British Columbia Company Act makes the provisions regulating trust indentures applicable, unless certain limited securities act exemptions are available, which has the effect of excluding coverage if no public distribution occurs. See CBCA § 82(2). Rather than imposing monetary fines and/or imprisonment for misuse of an indenture security holders' list (compare CBCA § 85(6)), section 99(4) of the BCCA provides that an indenture security holder may apply to the court for an order compelling the trustee to furnish the bondholders' list.

<sup>79</sup> Section 98(2) of the British Columbia Company Act prohibits appointment of a trustee if a material conflict of interest exists in its fiduciary role as trustee, which differs from the CBCA restriction of a conflict in such trustee's role "in any other capacity." Compare CBCA § 83(1).

<sup>80</sup> The trustee is required by section 105(a) of the British Columbia Company Act to act "in good faith and in a commercially reasonable manner." Compare CBCA § 91(a) (trustee to "act honestly and in good faith"). It appears that to the extent the "prudent trustee" standard is modified by a

## 2. Proposed Rule 4d-9

In light of the comparability of the investor protection of the Act, the CBCA and the OBCA, it appears to be in the public interest to facilitate offerings under the MJDS by exempting indentures subject to the CBCA or the OBCA from most provisions of the Act. As proposed, Rule 4d-9 would exempt from the operation of sections 310(a)(3) and (4), sections 310(b) through 316(a), and sections 316(c) through 318(a) of the Trust Indenture Act any trust indenture subject to the CBCA or the OBCA. Thus, where an MJDS issuer was not federally incorporated, but was incorporated in a Canadian province, the exemption would be available provided debt securities were being offered by prospectus in Ontario, because the trust indenture would be subject to the OBCA. Because neither the CBCA nor the OBCA contains a provision comparable to section 316(b) of the Act, Rule 4d-9 as proposed would not contain an exemption from section 316(b), and section 316(b) would be applicable to indentures for MJDS offerings as a matter of law. Thus, protection against impairment of the right to principal and interest without an individual holder's consent would be in force. In addition, the proposed Rule would not provide an exemption from the trustee eligibility standards of section 310(a)(1), (a)(2) and (a)(5) concerning authority to exercise corporate trust powers, capital and surplus, and prohibited obligor—trustee conflicts. A trustee permitted to serve under proposed Rule 10a-5 would meet those standards.

Trust indenture laws of several Canadian political subdivisions appear to offer investor protection comparable to that provided by the CBCA and OBCA.<sup>91</sup> Comment is specifically requested concerning whether the proposed exemption should be expanded to include trust indentures subject to other comparable Canadian political subdivisions' laws.

The Ontario authorities have advised that in connection with MJDS they intend to use their existing exemptive authority under section 46(4)<sup>92</sup> to

requirement that such trustee act in a "commercially reasonable manner," the British Columbia Company Act may not offer protection to investors comparable to that provided by the "prudent man" standard of section 315(c) of the Trust Indenture Act (15 U.S.C. 7700(c)).

<sup>91</sup> See *supra* note 86.

<sup>92</sup> OBCA § 46(4). This exemptive authority may be exercised to the extent the Ontario Securities Commission is satisfied that it would not be prejudicial to the public interest.

<sup>76</sup> See id. § 91. See also OBCA § 47(1).

<sup>77</sup> Section 315(c) (15 U.S.C. 7700(c)).

<sup>78</sup> Section 315(d) (15 U.S.C. 7700(d)).

<sup>79</sup> CBCA § 93. See also, *Canada Corp. L. Rep.* ¶ 5085.

<sup>80</sup> Section 315(b) (15 U.S.C. 7700(b)); CBCA § 90. See also OBCA § 51(1). While the Trust Indenture Act does not authorize a trustee to withhold notice of payment defaults, the CBCA and the OBCA would authorize the trustee to withhold notice, if such trustee believes that to be in the "best interests" of the holders. In any event, such trustee would be required to notify the issuer or guarantor of its determination.

<sup>81</sup> Section 312(b) (15 U.S.C. 7700(b)); CBCA § 85(1). See OBCA § 52. See also, *supra* note 88.

<sup>82</sup> 15 U.S.C. 7700(b).

<sup>83</sup> Trust Indentures. Hearings on H.R. 2191 and H.R. 5220 before a Subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, 76th Cong., 1st Sess. 284-85 (1939).

<sup>84</sup> Id. at 285.

<sup>85</sup> OBCA §§ 46-52.



provide a blanket exemption from the OBCA's requirements for trust indentures subject to the Trust Indenture Act which are used by United States issuers in connection with offerings under the multijurisdictional disclosure system. With the exception of British Columbia, those other Canadian political subdivisions that have statutes regulating trust indentures would not be required to take similar action because those statutes are only applicable to companies incorporated in those jurisdictions.<sup>93</sup>

With respect to British Columbia, the British Columbia Company Act currently does not contain exemptive authority. Thus, any trust indenture for a debt offering made in British Columbia would be subject to that statute, and United States issuers would not automatically be able to make debt offerings in British Columbia because they have indentures that comply with the Trust Indenture Act. In addition, it appears that there may be substantive differences between the British Columbia Company Act and the CBCA with respect to the standards for conflict of interest and duty of care applicable. Comment is specifically requested on whether the differences in the conflict of interest and duty of care standards of the British Columbia Company Act and the CBCA are substantial and whether the proposed exemption should be expanded to include indentures subject to the British Columbia Company Act. Comment is further requested on whether adoption of proposed Rule 4d-9 should be deferred until such time as United States issuers offering securities under the multijurisdictional system in British Columbia would be eligible to use trust indentures complying with the Trust Indenture Act.

Comment is requested on the analysis of provisions of Canadian statutes that afford protection to holders of indenture securities and whether investors enjoy protection comparable to that provided by the Trust Indenture Act as a result of applicable Canadian and provincial law. Specifically, comment is requested on the conflict of interest standard

applicable under the CBCA and each provincial act and, in particular, whether or not judicial interpretation of "material conflict of interest" is comparable to the enumerated conflicts proscribed by paragraph (b)(1) through (10) of section 310 of the Trust Indenture Act. Comment is requested concerning whether the discretion of the trustee to withhold notice of payment defaults under the CBCA and the OBCA is comparable to the notice requirement of section 315(b) of the Trust Indenture Act. Comment also is requested concerning the scope of the proposed exemptive rule, specifically whether the exemption proposed by Rule 4d-9 is too broad (*i.e.*, should Canadian trust indentures continue to be subject to the operation of other provisions of the Trust Indenture Act), or too narrow (*i.e.*, should Canadian trust indentures be exempt from the operation of additional provisions of the Trust Indenture Act). Finally, comment is requested concerning whether, as drafted, the proposed rule should be limited to offerings under the MJDS or expanded to other offerings by Canadian issuers.

### III. Cost Benefit Analysis

To evaluate the benefits and costs associated with the described rules, the Commission requests views and data as to the costs and benefits associated with procedures under the rules. The rules relate to a determination that Canadian trustees are eligible to act as sole trustees under qualified indentures, as a result of the amendment to section 310(a)(1) of the Trust Indenture Act modifying eligibility standards for institutional trustees, and provides an exemption from specified provisions of the Trust Indenture Act. The benefit to Canadian obligors and Canadian trustees (the only entities eligible for exemption under the proposed rules) of permitting appointment of Canadian trustees for offerings made in the United States by Canadian obligors and exempting trust indentures of such obligors from the operation of specified provisions of the Trust Indenture Act greatly outweighs any burden. Any impact on such entities would be minimal.

The rules will also benefit public security holders by facilitating the expansion of investment opportunities for United States citizens by removing barriers to public issuances of debt securities by Canadian registrants in the United States.

### IV. Request for Comments

Any interested persons wishing to submit written comments on the proposed rules on other matters that

might have an impact on the rules are requested to do so.

Persons wishing to submit written comments should file three copies thereof with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comment letters should refer to File No. S7-19-89. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

### V. Initial Regulatory Flexibility Act Analysis

The Initial Regulatory Flexibility Analysis has been prepared in accordance with 5 U.S.C. 603. It relates to proposed rules to effectuate the provisions of the Trust Indenture Act, as amended by the Reform Act. As proposed, Rule 4d-9 under section 304(d) of the Trust Indenture Act would provide an exemption for trust indentures of Canadian issuers filing registration statements in the United States under the MJDS from the operation of specified provisions of the Trust Indenture Act. The proposed rule would be available for trust indentures that are subject to either the CBCA or the OBCA. Proposed Rule 10a-5 under the Trust Indenture Act would permit persons authorized to exercise corporate trust powers under Canadian federal or provincial law and subject to federal supervision or examination in Canada to act as institutional trustees under indentures qualified or to be qualified under the Trust Indenture Act.

Both proposals reflect the development of global securities markets that was a basis for recent amendments to the Trust Indenture Act, and are proposed to be promulgated to remove barriers to and effectuate increased participation by foreign issuers in the securities markets of the United States. As a result, it is expected that public security holders resident in the United States would have expanded investment opportunities.

The only persons eligible for exemption under the proposals are Canadian issuers and Canadian trustees, none of which qualify as "small entities" within the meaning of 17 CFR 260.0-7 under the Trust Indenture Act. Furthermore, underwriters are unaffected by the requirements of the Trust Indenture Act related to exemption of the trust indenture and appointment of a foreign institutional trustee. Accordingly, on the basis of the Commission's initial analysis, it does not appear that the proposals, if

<sup>93</sup> Section 82(3) of the CBCA grants to the Director discretionary authority to exempt a trust indenture from regulation under the CBCA, provided that such indenture is subject to the law of another province or foreign jurisdiction that is "substantially equivalent" to the CBCA. That authority has been used only in connection with offerings by issuers incorporated under the CBCA, when they were making offerings in the United States. In connection with such offerings, the Director has granted exemptions from the CBCA for Canadian issuers that complied with the Trust Indenture Act. In granting those exemptions, the Director determined that the Trust Indenture Act was substantially equivalent to the CBCA.



adopted, would have a significant impact on a substantial number of small entities.

Copies of the Initial Regulatory Flexibility Analysis, which is summarized herein, are available from Felicia Smith, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. The Commission requests views and data as to the impact on small entities, within the meaning of 17 CFR 260.0-7 under the Trust Indenture Act, which may assist it in preparation of the Final Regulatory Flexibility Analysis.

#### VI. Statutory Basis and Text of Proposed Regulations and Form

Rules 4d-9 and 10a-5 are proposed pursuant to the authority of Sections 304, 305, 307, 308, 310, 314, and 319 of the Trust Indenture Act of 1939, as amended (15 U.S.C. 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, and 77sss).

#### List of Subjects in 17 CFR Part 260

Reporting and recordkeeping requirements, Securities, Trusts and trustees.

#### VII. Text of Regulations and Forms

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

#### PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

1. The authority citation for part 260 continues to read:

**Authority:** 15 U.S.C. 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss.

2. By adding new § 260.4d-9 as follows:

#### § 260.4d-9 Exemption for Canadian Trust Indentures from Specified Provisions of the Act.

Any trust indenture filed in connection with offerings on a registration statement on Form F-7, F-8, F-9, or F-10 (§§ 239.37 through 239.40 of this chapter) shall be exempt from the operation of sections 310(a)(3) and 310(a)(4), sections 310(b) through 316(a), and sections 316(c) through 318(a) of the Act; provided that the trust indenture is subject to (a) the Canada Business Corporations Act, R.S.C. 1985; or (b) the Business Corporations Act, 1982 (Ontario), S.O. 1982.

3. By adding new § 260.10a-5 as follows:

#### § 260.10a-5 Eligibility of Canadian Trustees.

(a) Subject to paragraph (b) of this rule (17 CFR 260.10a-5), any trust company, acting as trustee under an indenture qualified or to be qualified under the Act and filed in connection with offerings on a registration statement on Form F-7, F-8, F-9, or F-10 (§§ 239.37 through 239.40 of this chapter) that is incorporated and regulated as a trust company under the laws of Canada or any of its political subdivisions and that is subject to supervision or examination pursuant to the Trust Companies Act (Canada), R.S.C. 1985, or the Canada Deposit Insurance Corporation Act, R.S.C. 1985 shall not be subject to the requirement of domicile in the United States under section 310(a) of the Act (15 U.S.C. 77jjj(a)).

(b) Each trustee eligible for appointment under this rule shall file as part of the registration statement for the securities to which the trusteeship relates a consent to service of process and power of attorney on Form F-X (§ 249.250 of this chapter).

By the Commission.

Dated: March 22, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-7208 Filed 3-26-91; 8:45 am]

BILLING CODE 8010-01-M

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 91-CE-10-AD]

#### Airworthiness Directives; Beech Model 77 (Skipper) Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to adopt a new airworthiness directive (AD) that would be applicable to certain Beech Model 77 (Skipper) airplanes. The proposed action would require inspections for cracks in the nose landing gear (NLG) fork and, if found cracked, replacement of the fork and axle assembly. There have been reports of cracks in the NLG fork on the affected airplanes. Cracked NLG forks, if not detected and corrected, could lead to failure and collapse of the NLG. The actions specified in the proposed AD are intended to detect and correct this condition prior to NLG failure and the airplane damage that would result.

**DATES:** Comments must be received on or before May 30, 1991.

**ADDRESSES:** Beech Service Bulletin (SB) No. 2241, Revision 1, dated January 1991, that is discussed in this AD, may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-JO-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Larry Engler, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4409.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-10AD, room 1558, 601 East 12th Street, Kansas City, Missouri 64106.



## Discussion

Reports have been received of cracks developing in the nose landing gear (NLG) fork on certain Beech Model 77 (Skipper) airplanes. Cracked NLG forks, if not detected and corrected, could lead to failure and collapse of the NLG. Beech has issued SB No. 2241, Revision 1, dated January 1991, which specifies inspections for cracks in the NLG fork and, if found cracked, replacement of the fork and axle assembly. The FAA has examined all of the available information regarding this condition and determined that AD action is necessary to correct this unsafe condition.

Since the condition described above could exist or develop in other Beech Model 77 (Skipper) airplanes of the same type design, the proposed AD would require inspections for cracks in the NLG fork and, if found cracked, replacement of the fork and axle assembly in accordance with the instructions in Beech SB 2241, Revision 1, dated January 1991. The actions of the proposed AD would not be applicable if the affected airplane has part number 108-820010-653 nose landing gear fork and axle assembly installed.

It is estimated that 312 airplanes will be affected by the proposed AD, and that it will take approximately 1 hour per airplane to accomplish each proposed inspection at \$40 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$12,480.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety

## The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

## PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

## § 39.13 [AMENDED]

2. Section 39.13 is amended by adding the following new AD:

*Beech: Docket No. 91-CE-10-AD.*

Applicability: Model 77 (Skipper) airplanes (serial numbers WA-1 through WA-312) that do not have a part number (P/N) 108-820010-653 nose landing gear fork and axle assembly installed, certificated in any category. Compliance: Required as indicated, unless already accomplished.

To prevent failure of the nose landing gear fork and the airplane damage that could result, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) after the effective date of this AD, fluorescent penetrant inspect the nose landing gear fork for cracks in accordance with the instructions in Beech Service Bulletin (SB) No. 2241, Revision 1, dated January 1991. If any crack is found, prior to further flight, remove and replace the nose landing gear fork and axle assembly with a (P/N) 108-820010-653 fork and axle assembly.

(b) Except as noted in paragraph (c) of this AD, within the next 100 hours TIS after the inspection specified in paragraph (a) of this AD, and thereafter at intervals not to exceed 100 hours TIS, visually or fluorescent penetrant inspect the nose landing gear fork for cracks as specified in and in accordance with the instructions in Beech SB No. 2241, Revision 1, dated January 1991. If any crack is found, prior to further flight, remove and replace the nose landing gear fork and axle assembly with a P/N 108-820010-653 fork and axle assembly.

(c) The repetitive inspections specified in paragraph (b) of this AD may be terminated when the airplane has a P/N 108-820010-653 fork and axle assembly installed.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished.

(e) An alternate method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector,

who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(f) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 26, 1991.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate Aircraft Certification Service.

[FR Doc. 91-7179 Filed 3-26-91; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 39

[Docket No. 91-NM-42-AD]

## Airworthiness Directives; British Aerospace Viscount Model 744, 745D, and 810 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to adopt a new airworthiness directive (AD), applicable to all British Aerospace Viscount Model 744, 745D, and 810 series airplanes, which would require repetitive eddy current inspections to detect corrosion along the total length of the top surface of the wing spar upper boom, and repair, if necessary. This proposal is prompted by a report of corrosion found between the upper surface of the wing spar upper boom and the underside of the wing upper skins. This condition, if not corrected, could result in reduced structural integrity of the wings.

**DATES:** Comments must be received no later than May 15, 1991.

**ADDRESSES:** Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 91-NM-42-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.



**FOR FURTHER INFORMATION CONTACT:**

Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 227-2148. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

**SUPPLEMENTARY INFORMATION:**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91-NM-42-AD." The post card will be date/time stamped and returned to the commenter.

**Discussion:**

The United Kingdom Civil Aviation Authority (CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all British Aerospace Viscount Model 744, 745D, and 810 series airplanes. There has been a report of corrosion found between the upper surface of the wing spar upper boom and the underside of the wing upper skins between stations 96 and 131 on both left and right wings of a Viscount airplane. This condition, if not corrected, could result in reduced structural integrity of the wings.

British Aerospace has issued Preliminary Technical Leaflet (PTL) No. 321, Issue 1, dated January 13, 1989, applicable to Model 700 series airplanes; and PTL No. 190, Issue 1, dated January 13, 1989, applicable to Model 810 series

airplanes; which describe procedures for repetitive eddy current inspections to detect corrosion along the total length of the top surface of the wing spar upper boom, and repair, if necessary. The United Kingdom CAA has classified the British Aerospace PTLs as mandatory.

These airplane models are manufactured in the United Kingdom and type certificated in the United States under the provisions of section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require repetitive eddy current inspections to detect corrosion along the total length of the top surface of the wing spar upper boom, and repair, if necessary, in accordance with the PTL's previously described.

It is estimated that 29 airplanes of U.S. registry would be affected by this AD, that it would take approximately 5 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$7,975.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration

proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

**PART 39—[AMENDED]**

1. The authority citation for Part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

**British Aerospace:** Applies to all Viscount Model 744, 745D, and 810 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent reduced structural integrity of the wings, accomplish the following:

A. Within 180 days after the effective date of this AD, and thereafter at intervals not to exceed 180 days, perform an eddy current inspection to detect corrosion along the total length of the top surface of the left and right wing spar upper boom in accordance with British Aerospace Preliminary Technical Leaflet (PTL) No. 321, Issue 1, dated January 13, 1989, or PTL No. 190, Issue 1, dated January 13, 1989, as appropriate.

B. If corrosion is found, prior to further flight, repair in accordance with PTL No. 321, Issue 1, dated January 13, 1989, or PTL No. 190, Issue 1, dated January 13, 1989, as appropriate; or in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

C. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

**Note:** The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on March 20, 1991.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 91-7177 Filed 3-26-91; 8:45 am]

**BILLING CODE 4910-13-M**



## 14 CFR Part 39

(Docket No. 91-NM-47-AD)

**Airworthiness Directives; British Aerospace Model BAe 146 Series Airplanes****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This notice proposes to adopt a new airworthiness directive (AD), applicable to all British Aerospace Model BAe 146 series airplanes, which would require a detailed visual inspection to detect cracks and corrosion in the left and right main landing gear (MLG) door rear hinge bracket assemblies, and repair of corrosion or replacement of bracket, if necessary. This proposal is prompted by reports of cracked and corroded rear hinge bracket assemblies discovered on in-service airplanes. This condition, if not corrected, could result in the MLG door becoming detached in flight.

**DATES:** Comments must be received no later than May 15, 1991.

**ADDRESSES:** Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 91-NM-47-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 227-2148. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals

contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91-NM-47-AD." The post card will be date/time stamped and returned to the commenter.

**Discussion**

The United Kingdom Civil Aviation Authority (CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all British Aerospace Model BAe 146 series airplanes. There have been recent reports of cracks and corrosion on the main landing gear (MLG) door rear hinge bracket assemblies discovered on in-service airplanes. This condition, if not corrected, could result in the MLG door becoming detached in flight.

British Aerospace has issued Alert Service Bulletin 32-A119, dated November 14, 1990, which describes procedures for a detailed visual inspection to detect cracks and corrosion on the left and right MLG door rear hinge bracket assemblies, and repair of corrosion or replacement of bracket, if necessary. The United Kingdom CAA has classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require a detailed visual inspection to detect cracks and corrosion on the left and right MLG door rear hinge bracket assemblies, and repair of corrosion or replacement of bracket, if necessary, in accordance with the service bulletin previously described. The proposed AD would also

require that operators report all inspection results to British Aerospace.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub.L. 96-511) and have been assigned OMB Control Number 2120-0056.

It is estimated that 74 airplanes of U.S. registry would be affected by this AD, that it would take approximately 1 manhour per airplane to accomplish the required actions, and that the average labor cost would be \$55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$4,070.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

**PART 39—[AMENDED]**

1. The authority citation for Part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.



**§ 39.13 [AMENDED]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

**BRITISH AEROSPACE:** Applies to all Model 146 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent detachment of the landing gear (MLG) door in flight, accomplish the following:

A. Prior to the accumulation of 6,000 landings or within 30 days after the effective date of this AD, whichever occurs later, perform a detailed visual inspection of the left and right MLG door rear hinge bracket assemblies, in accordance with British Aerospace Alert Service Bulletin 32-A119, dated November 14, 1990.

1. If cracks are found, prior to further flight, replace the rear hinge bracket assembly with a serviceable part having the same part number, in accordance with the service bulletin.

2. If corrosion is found, prior to further flight, remove corrosion and repair in accordance with the Structural Repair Manual 51-73-00 and Figure 1, Section A-A.

a. If corrosion removed measures less than 0.150 inch, within 300 landings following repair, replace the rear hinge bracket assembly with a serviceable part having the same part number, in accordance with the service bulletin.

b. If corrosion removed measures 0.150 inch or more, prior to further flight, replace the rear hinge bracket assembly with a serviceable part having the same part number, in accordance with the service bulletin.

3. After repair, or if no corrosion is found, reseal bonding lead tags in accordance with Aircraft Maintenance Manual 20-10-01, Method 3.

B. Within 10 days after accomplishing the inspection required by paragraph A. of this AD, submit a written report of all findings to British Aerospace in accordance with paragraph 1.C.(5) of British Aerospace Alert Service Bulletin 32-A119, dated November 14, 1990.

C. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

**NOTE:** The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, D.C. 20041. These documents may be examined at the FAA, Northwest Mountain Region, Transport

Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on March 20, 1991.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 91-7178 Filed 3-26-91; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 935****Ohio Permanent Regulatory Program; Revision of Administrative Rules**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule.

**SUMMARY:** OSM is announcing the receipt of Ohio's proposed continuation of Revised Program Amendment Number 39 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Ohio is proposing to include requirements that mine operators shall fence, cover, or use other appropriate methods to exclude wildlife from ponds that contain hazardous concentrations of toxic-forming materials. Ohio is proposing this revision to make the Ohio rules consistent with the corresponding Federal regulations.

This notice sets forth the times and locations that the Ohio program and proposed amendments to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

**DATES:** Written comments must be received on or before 4 p.m. on April 26, 1991. If requested, a public hearing on the proposed amendments will be held at 1 p.m. on April 22, 1991. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on April 11, 1991.

**ADDRESSES:** Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Richard J. Seibel, Director, Columbus Field Office, at the address listed below. Copies of the Ohio program, the proposed amendments, and all written comments received in response to this

notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, room 202, Columbus, Ohio 43232, Telephone: (614) 866-0578.

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H-3, Columbus, Ohio 43224, Telephone: (614) 265-6675.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard J. Seibel, Director, Columbus Field Office, (614) 866-0578.

**SUPPLEMENTARY INFORMATION:****I. Background**

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982 *Federal Register* (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

**II. Discussion of the Proposed Amendments**

On September 18, 1990, the Director of OSM approved Ohio Revised Program Amendment Number 39 (55 FR 38325). As part of this approval, the Director required that Ohio submit a further amendment to its program to require that all operators fence, cover, or use other appropriate methods to exclude wildlife from ponds that contain hazardous concentrations of toxic-forming materials.

By letter dated March 1, 1991 (Administrative Record No. OH-1470), Ohio submitted a continuation of Revised Program Amendment Number 39. In this continuation of the amendment, Ohio proposes to add a new paragraph (D)(3) to section 1501.13-9-11 of the Ohio Administrative Code in order to satisfy the Director's requirement of September 18, 1990. In this new paragraph, Ohio proposes to reiterate the Federal language from 30 CFR 816.97(e)(4) requiring that all operators fence, cover, or use other appropriate methods to exclude wildlife



from ponds that contain hazardous concentrations of toxic-forming materials.

### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Ohio satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio program.

#### Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

#### Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "FOR MORE INFORMATION CONTACT" by 4 p.m. on April 11, 1991. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

#### Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Columbus Field Office by contacting the person listed under "FOR FURTHER INFORMATION CONTACT". All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under "ADDRESSES". A written summary of each public

meeting will be made a part of the Administrative Record.

### List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 15, 1991.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 91-7238 Filed 3-26-91; 8:45 am]

BILLING CODE 4310-05-M

### 30 CFR Part 935

#### Ohio Permanent Regulatory Program; Evaluation of Revegetation Success

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** OSM is reopening the public comment period on Revised Program Amendment No. 25 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Ohio has provided additional Administrative Record information describing the statistically valid sampling method which Ohio proposes to use to evaluate revegetation success. Ohio also explains the ground cover success standards against which Ohio will compare the results of its proposed sampling method. The additional Administrative Record information is intended to demonstrate that the Ohio program will be as effective as the corresponding Federal regulations regarding revegetation success.

This notice sets forth the times and locations that the Ohio program and proposed amendments to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

**DATES:** Written comments must be received on or before 4 p.m. on April 26, 1991. If requested, a public hearing on the proposed amendments will be held at 1 p.m. on April 22, 1991. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on April 11, 1991.

**ADDRESSES:** Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Richard J. Seibel, Director, Columbus Field Office, at the address listed below.

Copies of the Ohio program, the proposed amendments, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, room 202, Columbus, Ohio 43232, Telephone: (614) 866-0578.

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H-3, Columbus, Ohio 43224, Telephone: (614) 265-6675.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard J. Seibel, Director, Columbus Field Office, (614) 866-0578.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982 *Federal Register* (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

##### II. Discussion of the Proposed Amendments

On December 15, 1989 (54 FR 51397), the Director of OSM announced his decision on Ohio's initial submission of Revised Program Amendment No. 25. In that decision, the Director found that Ohio had not demonstrated that its method of evaluating the success of revegetation is no less effective than the Federal rules as 30 CFR 816.116(a). The Director therefore continued the requirement at 30 CFR 935.16(f) that Ohio amend its program to include a statistically valid technique to evaluate revegetation success and provided additional time for Ohio to amend its program.

By letter dated December 12, 1989 (Administrative Record No. OH-1245), Ohio proposed a continuation of Revised Program Amendment Number 25. In this continuation, Ohio proposed to revise section 1501:13-9-15 of the Ohio Administrative Code (OAC) to



include a statistically valid method of evaluating revegetation success in order to satisfy the OSM requirement at 30 CFR 935.16(f).

By letter dated March 23, 1990 (Administrative Record No. OH-1292), OSM notified Ohio that the proposed revisions to OAC section 1501:13-9-15 were less effective than the Federal regulations at 30 CFR 816.116(a) because Ohio proposed to use statistically valid sampling methods only on "questionable" areas.

By letter dated July 24, 1990 (Ohio Administrative Record No. OH-1343), Ohio submitted further proposed revisions to OAC section 1501:13-9-15 which were intended to respond to OSM's comments of March 23, 1990. Ohio proposed to revise paragraph (I)(1) to specify that success of revegetation shall be measured using a statistically valid sampling technique with a ninety per cent statistical confidence interval (i.e. one-sided test with 0.10 alpha error). Ohio also proposed to revise paragraph (I)(3)(c)(iv) to delete the requirement that, for Phase III bond release, species planted must meet the standard that no single area with less than thirty percent cover shall exceed the lesser of three thousand square feet or 0.3 percent of the land affected.

On August 10, 1990, OSM published a notice in the *Federal Register* (55 FR 32643) announcing receipt of Ohio's further revisions to the continuation of Revised Program Amendment No. 25 and inviting public comment on its adequacy. The public comment period ended on September 10, 1990. The public hearing scheduled for September 4, 1990, was not held because no one requested an opportunity to testify.

By letter dated October 24, 1990 (Administrative Record No. OH-1398), OSM provided Ohio with its questions and comments about the additional revisions submitted on July 24, 1990. OSM requested that Ohio provide the details of Ohio's statistically valid sampling method for OSM's review and approval. OSM also requested that Ohio provide a justification for the proposed deletion of the vegetation standard limiting the size of areas with less than thirty percent vegetative cover.

By letter dated March 1, 1991 (Administrative Record No. OH-1471), Ohio submitted administrative record information in support of the revisions proposed on July 24, 1990 and intended to respond to OSM's comments of October 24, 1990. This administrative record information provides the details of Ohio's proposed statistically valid sampling method which is modeled on the Rennie-Farmer Stick Method.

The additional information also proposes justification to support Ohio's proposed deletion of its vegetation standard limiting the size of areas with less than thirty percent vegetative cover. Ohio proposes that the three vegetation standards which would remain in the Ohio regulations are equivalent to a seventy percent vegetative cover requirement. Ohio maintains that seventy percent cover is the generally accepted standard for ground cover sufficient to control erosion on mined and unmined land. Ohio refers to OSM's use of this standard in the Federal revegetation regulations in effect between 1979 and 1983.

### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Ohio satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio program.

#### Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

#### Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by 4 p.m. on April 11, 1991. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

### Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Columbus Field Office by contacting the person listed under "FOR FURTHER INFORMATION CONTACT." All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under "ADDRESSES". A written summary of each public meeting will be made a part of the Administrative Record.

### List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 15, 1991.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 91-7239 Filed 3-26-91; 8:45 am]

BILLING CODE 4310-05-M

### 30 CFR Part 944

#### Utah Permanent Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** OSM is announcing the receipt of a proposed amendment to the Utah permanent regulatory program (hereinafter, the "Utah program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of changes to provisions of the Utah rules at R614-100-200 pertaining to the definitions of "public road" and "road." In addition, Utah submitted for approval, as part of the approved State Program, a policy statement titled "Division of Oil, Gas and Mining Policy for the Implementation of Site Specific Determinations of the Public Status of Roads Under R614-100-200." If approved, the policy statement would be used by the Division of Oil, Gas and Mining to determine which access and haul roads for coal mining and exploration operations are subject to permitting. Utah submitted the proposed amendment at its own initiative.

This notice sets forth the times and locations that the Utah program and the proposed amendment to that program are available for public inspection, the



comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

**DATES:** Written comments must be received by 4 p.m., m.d.t. April 26, 1991. If requested, a public hearing on the proposed amendment will be held on April 22, 1991. Requests to present oral testimony at the hearing must be received by 4 p.m., m.d.t. on April 11, 1991.

**ADDRESSES:** Written comments should be mailed or hand delivered to Robert H. Hagen at the address listed below.

Copies of the Utah program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Albuquerque Field Office.

Robert H. Hagen, Director,  
Albuquerque Field Office, Office of  
Surface Mining Reclamation and  
Enforcement, 625 Silver Avenue, SW.,  
suite 310, Albuquerque, NM 87102,  
Telephone: (505) 766-1486.  
Utah Division of Oil, Gas and Mining,  
355 West North Temple, 3 Triad  
Center, suite 350, Salt Lake City, UT  
84180-1203, Telephone: (801) 538-5340.

**FOR FURTHER INFORMATION CONTACT:**  
Robert H. Hagen, Director,  
Albuquerque Field Office, on telephone  
number (505) 766-1486.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Utah Program

On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program. General background information on the Utah program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Utah program can be found in the January 21, 1981, *Federal Register* (46 FR 5899). Subsequent actions concerning Utah's program and program amendments can be found at 30 CFR 944.15, 944.16, and 944.30.

On December 3, 1985 (50 FR 49542, 49543), OSM disapproved a proposed State program amendment that if approved would have categorically excluded public roads from regulation under the Utah program. This disapproval was made in accordance with a remand of the Federal definition of "affected area" insofar as this definition exempted public roads from regulation in a way that conflicted with the definition of "surface coal mining operations" at section 701(28) of SMCRA (In Re: Permanent Surface Mining Regulation Litigation (II), No. 79-1144 (D.D.C. 1985)).

##### II. Proposed Amendment

By letter dated March 1, 1991 (Administrative Record No. UT-610), Utah submitted a proposed amendment to its program pursuant to SMCRA. Utah submitted the proposed amendment at its own initiative. The provisions of the Utah Coal Mining Rules that Utah proposes to amend are: R614-100-200,

definitions of "public road" and "road." In addition, Utah submitted for approval, as part of the approved State Program, a policy statement titled "Division of Oil, Gas and Mining Policy for the Implementation of Site Specific Determinations of the Public Status of Roads Under R614-100-200." If approved, the policy statement would be used by the Division of Oil, Gas and Mining to determine which access and haul roads for coal mining and exploration operations are subject to permitting under the Utah program.

##### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of Utah's approved State program.

Because Utah in its rules uses some terms and definitions throughout its program that are different from those used in the Federal regulations, OSM has compiled the following partial list of Federal standards and corresponding State standards that directly or indirectly relate to the proposed amendment. OSM is not seeking comments on these rules. OSM includes this list here for the convenience of any potential commenter who may be interested in analyzing and understanding the relationship of the proposed amendment to other provisions of the Utah program.

Term or definition	Federal standard	State standard
Affected Area.....	30 CFR 701.5.....	R614-100-200.
Coal Exploration.....	30 CFR 701.5.....	R614-100-200.
Road.....	30 CFR 701.5.....	R614-100-200.
Surface Coal Mining and Reclamation Operations.....	SMCRA Section 701(27).....	None.
Surface Coal Mining Operations.....	SMCRA Section 701(28).....	UCA 40-10-3(16) (Utah Code Annotated, 1953; see H.B. No. 138).
Coal Mining and Reclamation Operations.....	None.....	R614-100-200 UCA 40-10-3(17).
Surface Coal Mining and Reclamation Activities.....	None.....	R614-100-200.
Underground Coal Mining and Reclamation Activities.....	None.....	R614-100-200.
Surface Mining Activities.....	30 CFR 701.5.....	None.
Underground Mining Activities.....	30 CFR 701.5.....	None.

#### Written Comments

Written comments should be specific, pertain only to the matters proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Albuquerque Field Office will not necessarily be

considered in the final rulemaking or included in the Administrative Record.

#### Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by 4 p.m., m.d.t. on April 11, 1991. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the

public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard.



Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

#### Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT**". All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under "**ADDRESSES**". A written summary of each meeting will be made a part of the Administrative Record.

#### List of Subjects in 30 CFR Part 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 18, 1991.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

[FR Doc. 91-7240 Filed 3-26-91; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### 32 CFR Part 701

[Secretary of the Navy Instruction 5211.5C]

#### Personal Privacy and Rights of Individuals Regarding Records Pertaining to Themselves

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Proposed exemption rule.

**SUMMARY:** A new exemption rule is proposed to be added to other existing Navy exemption rules for exempted systems of records subject to the Privacy Act of 1974, 5 U.S.C. 552a, to accommodate a new exempted record system identified as N05310-2, PA/FOIA and Mandatory Declassification Review Case Files. Exemption from certain subsections of the Privacy Act is being claimed by rulemaking to protect from access the personal information contained in the record system.

**DATES:** Comments must be received on or before April 26, 1991, to be considered.

**ADDRESSES:** Send any comments to Mrs. Gwen Aitken, Head, PA/FOIA Branch,

Office of the Chief of Naval Operations (OP-09B30), Department of the Navy, The Pentagon, Washington, DC 20350-2000. Telephone (703) 614-2004.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy proposes to claim an exemption from certain subsections of the Privacy Act of 1974 for the new system of records under the provisions of (j)(2), (k)(1) through (k)(7) of the Privacy Act of 1974 (5 U.S.C. 552a). This proposed exemption rule is to be added to existing Department of the Navy exemption rules found at § 701.119.

#### List of Subjects in 32 CFR Part 701

Privacy.

Accordingly, the Department of the Navy proposes to amend 32 CFR part 701 as follows:

1. The authority citation for 32 CFR part 701, subpart G is revised to read as follows:

**Authority:** Pub. L. 93-579, 88 Stat 1896 (5 U.S.C. 552a).

2. Section 701.119 is amended by revising the title and adding paragraph (a) as follows:

#### § 701.119 Exempted Navy record systems.

(a) *Chief of Naval Operations.*

(1) *System ID.* N05210-2.

*System name.* PA/FOIA and Mandatory Declassification Review Case Files.

**Exemption.** Any portion of this system of records which is maintained by naval offices which have law enforcement as its primary mission may be exempt, under the provisions of 5 U.S.C. 552a(j)(2), from the following subsections of 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e) (1), (2), and (3), (e)(4)(G) and (e)(4)(H), (e) (5) and (8), (f) and (g) provided that the source record system from which the record came has properly claimed the exemption and exempted subsection(s) being invoked.

Any portion of this system of records which is maintained by naval offices which do not have law enforcement as its primary mission may be exempt, under the provisions of 5 U.S.C. 552a (k)(1) through (k)(7), from the following subsections of 5 U.S.C. 552a: (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) provided that the source record system from which the record came has properly claimed the exemption and exempted subsection(s) being invoked.

**Authority:** 5 U.S.C. 552a(j)(2) for those naval activities having a law enforcement mission; and 5 U.S.C. 552a (k)(1) through (k)(7) for activities without law enforcement as its principle mission.

**Reason:** This system of records is maintained solely for the purpose of administering the Privacy Act, Freedom of Information Act, and mandatory declassification review requests for information and to provide an administrative record of the receipt, handling, and response to the case should an appeal be filed or the response/failure to respond be litigated.

It should be emphasized that the majority of records in this system are available upon request to the individual and that all records are used solely to process requests. Further, this file is not used to make any other determinations on the rights, benefits, or privileges of individuals. When collecting documents responsive to requests, it is sometimes necessary to include copies of records which are held in other systems of records. In those instances, the collected documents will retain the same status as that held in the privacy record system from which they were retrieved. No record in this holding file may have any greater exemption protection from subsections of the Privacy Act of 1974 than that granted by the original source privacy record system from which it was retrieved. This file merely continues to protect a record at the same level of protection eligibility which being processed as the source record system from which the record came.

In some instances the file may also include copies of records that have been the subject of a prior Freedom of Information Act, mandatory declassification review and/or Privacy Act request. This situation applies principally to cases in which an individual has been denied access and or amendment of personal records under an exemption authorized by 5 U.S.C. 552a (Privacy Act) or denied access to records authorized by 5 U.S.C. 552 (Freedom of Information Act) or Executive Order 12356. The same justification for the original denial would apply to denial of access to copies maintained in the Freedom of Information Act or Mandatory Declassification Review Case File or access and/or amendment of copies of records maintained in the Privacy Act Case File.

Dated: March 20, 1991.

L.M. Bynum

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 91-7151 Filed 3-26-91; 8:45 am]

BILLING CODE 3810-01-M



**Office of the Secretary****32 CFR Part 155****[DoD Directive 5220.6]****Defense Industrial Personnel Security Clearance Program****AGENCY:** Office of the Secretary of Defense, DoD.**ACTION:** Proposed rule.

**SUMMARY:** On Monday, March 11, 1991, the Department of Defense published a proposed rule, "Defense Industrial Personnel Security Clearance Program," (56 FR 10217). This document amends the rule to incorporate additional reference material to the proposed rule.

**DATES:** Comments are requested by April 10, 1991.

**ADDRESSES:** Send comments to: Directorate for Industrial Security Clearance Review, P.O. Box 3656, Arlington, Virginia 22203.

**FOR FURTHER INFORMATION CONTACT:** Mr. Leon J. Schachter, telephone (703) 696-4598.

**SUPPLEMENTARY INFORMATION:** Administrative practice and procedure, Business and industry, Classified information.

Accordingly, 32 CFR part 155 is proposed to be amended as follows:

**PART 155—AMENDED**

1. The authority citation for part 155 continues to read as follows:

Authority: E.O. 10865, 3 CFR, 1959-1963 Comp., p. 398.

**§155.6 Amended**

2. Section 155.6 is proposed to be amended by amending paragraph (c) by adding the phrase "and appendix H of part 154," immediately after the words "§ 154.7".

Dated: March 20, 1991.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 91-7148 Filed 3-28-91; 8:45 am]

BILLING CODE 3810-01-M

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117****[CGD1-91-015]****Drawbridge Operation Regulations; Bass River, Massachusetts****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the Massachusetts Department of Public Works (MDPW), the Coast Guard is considering a change to the regulations governing the Hall Whitaker Bridge over the Bass River at mile 0.6 in Beverly, Massachusetts, by permitting the bridge to open on signal if at least 24 hours advance notice is given by commercial or recreational vessels. This proposal is being made because there have been relatively few requests for openings each year from the two users, the Bass Haven Yacht Club and the small boat ramp, upstream of the bridge. This action should relieve the bridge owner of the burden of having a work crew constantly available to open the draw and still provide for the reasonable needs of navigation.

**DATE:** Comments must be received on or before May 13, 1991.

**ADDRESSES:** Comments should be mailed to Commander (obr), First Coast Guard District, Bldg. 135A, Governors Island, NY 10004-5073. The comments and other materials referenced in this notice will be available for inspection and copying at the address. Normal office hours are between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** William C. Heming, Bridge Administrator, First Coast Guard District, (212) 668-7170.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and given reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed post card or envelope.

The Commander, First Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

**Drafting Information**

The drafters of this notice are Lieutenant John McDonald, Project Officer, and Lieutenant John Gately, project attorney.

**Discussion of Proposed Regulations**

The Hall Whitaker (swing) bridge over the Bass River in Beverly has vertical clearances of 5' MHW and 14'

MLW. This swing bridge is manually operated by a maintenance crew of 9 men. The current regulations for the Hall Whitaker bridge are that the bridge shall open on signal at all times. The proposed regulations will require that at least a 24 hour notice be given by commercial and recreational vessels to open the bridge. Approval of the proposed regulations will require the MDPW to post signs advising mariners of the operating regulations and where to call for an opening. The MDPW requested this regulation change because there are only a few requests to open the bridge each year. The proposed regulations would require clearance gauges be maintained at the draw to assist small boats in transiting the bridge and that public vessels of the United States, state and local vessels used for public safety be passed as soon as possible.

**Economic Assessment and Certification**

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact is expected to be so minimal that a full regulatory evaluation is unnecessary. This opinion is based on the fact that the regulation will not prevent the mariners from transiting the bridge but just require advance notice for openings. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

**Federalism Implication Assessment**

This action has been analyzed under the principles and criteria in Executive Order 12612, and it has been determined that this proposed regulation does not have sufficient federalism implications to warrant preparation of a federal assessment.

**List of Subjects in 33 CFR Part 117**

Bridges.

**Regulations**

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.588 is revised to read as follows:



**PART 117—DRAWBRIDGE  
OPERATION REGULATIONS****§ 117.588 Bass River**

The Hall Whitaker Bridge, mile 0.6 at Beverly, shall operate as follows:

(a) Public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

(b) The owners of this bridge shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed and maintained according to the provisions of paragraph 118.160 of this chapter.

(c) That the draw of the Hall Whitaker bridge shall open on signal if at least 24 hours notice is given by commercial or recreational vessels.

Dated: March 14, 1991.

P.L. Collom,

*Captain, U.S. Coast Guard, Acting  
Commander, First Coast Guard District.*

[FR Doc. 91-7181 Filed 3-26-91; 8:45 am]

BILLING CODE 4810-14-M

**33 CFR Part 117**

[CGD1-91-014]

**Drawbridge Operation Regulations;  
Westport River-East Branch**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the Massachusetts Department of Public Works (MDPW), the Coast Guard is considering a change to the regulations governing the Westport Point Bridge, (Route 88), over the Westport River East Branch at mile 1.2 in Westport, Massachusetts, by permitting the bridge to open on signal if at least 24 hours advance notice is given by commercial or recreational vessels. This proposal is being made because there has been only one request for an opening in the last five years. This action should relieve the bridge owner of the burden of having a person constantly available to open the draw and still provide for the reasonable needs of navigation.

**DATES:** Comments must be received on or before May 13, 1991.

**ADDRESSES:** Comments should be mailed to Commander (obr), First Coast Guard District, Bldg. 135A, Governors Island, NY 10004-5073. The comments and other materials referenced in this notice will be available for inspection and copying at that address. Normal office hours are between 8 a.m. and 4:30

p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:**

William C. Heming, Bridge Administrator, First Coast Guard District, (212) 668-7170.

**SUPPLEMENTARY INFORMATION:**

Interested persons are invited to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed post card or envelope.

The Commander, First Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

**Drafting Information**

The drafters of this notice are Lieutenant John McDonald, Project Officer, and Lieutenant John Gately, project attorney.

**Discussion of Proposed Regulations**

The Westport Point Bridge over the Westport River East Branch in Westport has vertical clearances of 20' MHW and 23' MLW. The current regulations require that the draw shall open on signal at all times. The proposed regulations will require that a 24 hour notice be given by commercial and recreational vessels to open the bridge. Approval of the proposed regulations will require the MDPW to post signs advising mariners of the operating regulations and where to call for an opening. The MDPW requested this regulation change because there has been only one request to open the bridge during the past five years. Additionally, the proposed regulations would require clearance gauges be maintained at the draw to assist small boats in transiting the bridge and that public vessels of the United States, state, and local vessels used for public safety shall be passed as soon as possible.

**Economic Assessment and Certification**

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact

is expected to be so minimal that a full regulatory evaluation is unnecessary. This opinion is based on the fact that the proposed change would not prevent the mariners from transiting the bridge but just require advance notice for opening the bridge. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

**Federalism Implication Assessment**

This action has been analyzed under the principles and criteria in Executive Order 12612, and it has been determined that this proposed regulation does not have sufficient federalism implications to warrant preparation of a federal assessment.

**List of Subjects in 33 CFR Part 117**

Bridges.

**Regulations**

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.620 is added to read as follows:

**PART 117—DRAWBRIDGE  
OPERATION REGULATIONS****§ 117.620 Westport River—East Branch**

The Westport Point Bridge, mile 1.2 at Westport, shall operate as follows:

(a) Public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

(b) The owners of this bridge shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed, and maintained, according to the provisions of paragraph 118.160 of this chapter.

(c) Shall open signal if at least 24 hours notice is given by commercial or recreational vessels.

Dated: March 14, 1991.

P.L. Collom,

*Captain, U.S. Coast Guard, Acting  
Commander, First Coast Guard District.*

[FR Doc. 91-7182 Filed 3-26-91; 8:45 am]

BILLING CODE 4910-14-M



**46 CFR Parts 25, 26, and 162****[CGD 74-284]****RIN 2115-AA08****Fixed Fire-Extinguishing Systems for Pleasure Craft and Other Uninspected Vessels****AGENCY:** Coast Guard, DOT.**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** On January 9, 1991, the Coast Guard published a supplemental notice of proposed rulemaking (SNPRM) (56 FR 829), proposing to establish standards and procedures for approving fixed fire-extinguishing systems for pleasure craft and other uninspected vessels. The primary purpose of the rulemaking is to publish standards that will increase fire safety by allowing a greater variety of fixed systems, including several that are simply and inexpensive, to be installed on many pleasure craft and other uninspected vessels. Because of requests for more time to comment on the SNPRM, the Coast Guard is reopening the comment period for 60 days.

**DATES:** Comment must arrive on or before May 28, 1991.

**ADDRESSES:** Mail comments to the Executive Secretary, Marine Safety Council (G-LRA-2, 3406) (CGD 74-284), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or deliver them to room 3406 at that address between 8 a.m. and 3 p.m. Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

**FOR FURTHER INFORMATION CONTACT:** Mr. Klaus Wahle, Office of Marine Safety, Security, and Environmental Protection, (202) 267-1444.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

The SNPRM published on January 9, 1991, invited and encouraged interested persons to participate in the rulemaking by submitting written comments, including views, data, and arguments, by March 11, 1991. A consensus standards-writing organization asked for more time to prepare comments, citing the need to call a meeting of its members to formulate its comments and the difficulty of scheduling such a

meeting within the original 60-day comment period. Because of this and other requests, the Coast Guard is reopening the comment period for 60 days until May 28, 1991.

Interested persons may participate by submitting written data, views, or arguments on the SNPRM. Each comment should include its author's name and address, identify the rulemaking (CGD 74-284) and the specific section or paragraph of the SNPRM to which it applies, and state its reason. Any person wishing acknowledgement of receipt of a comment should enclose a stamped self-addressed postcard or envelope. The Coast Guard will consider all comments received by the end of the comment period before it acts further on the rulemaking, and it may change the proposed rule in light of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under "ADDRESSES". If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the *Federal Register*.

Dated: March 21, 1991.

J.D. Sypes,

Rear Admiral U.S. Coast Guard, Chief Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 91-7185 Filed 3-26-91; 8:45 am]

BILLING CODE 4910-14-M

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 2****[General Docket 89-554; FCC 91-73]**

**Inquiry Relating to Preparation for the International Telecommunication Union World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum**

**AGENCY:** Federal Communications Commission.**ACTION:** Notice of inquiry.

**SUMMARY:** This action solicits comments on supplemental Commission proposals and policies for the World Administrative Radio Conference scheduled for February 3-March 5, 1992 (WARC-92) in Spain. The objective of this action is to develop proposals and policies for WARC-92.

**DATES:** Comments are due April 12, 1991. Reply comments are due April 26, 1991.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** William Torak, telephone (202) 632-7025 or Thomas Tycz, telephone (202) 634-1860.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Supplemental Notice of Inquiry (Supplemental NOI)* in General Docket 89-554, FCC 91-73, Adopted March 14, 1991, and Released March 20, 1991.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 857-3800, 2100 M Street, NW., suite 140, Washington DC 20037.

**Summary of Supplemental Notice of Inquiry**

1. The 13th Plenipotentiary Conference (Plenipot) held during May-June, 1989, determined that a World Administrative Radio Conference should be convened in 1992 to address frequency allocations in certain parts of the spectrum. In November 1989, the Commission adopted a *Notice of Inquiry (NOI)* in this proceeding (54 FR 53341; December 28, 1989) that sought comment on the several topics identified by the Plenipot. Specifically, the *NOI* solicited comment on the projected frequency needs of the HF (3-30 MHz) broadcasting service, mobile services and mobile-satellite services in the 500-3000 MHz range, digital audio broadcasting or High Definition Television delivered by broadcasting-satellite services (BSS (Sound) or HDTV BSS), and new space services above 20 GHz, as well as Articles 55 (Rev.) and 56 (Rev.) of the international Radio Regulations, which concern requirements for on-board maintenance of shipborne radio and electronic equipment.

2. In June 1990, the International Telecommunication Union (ITU) Administrative Council expanded the WARC-92 agenda to include additional issues, such as an allocation of spectrum for low-earth orbit satellites, related to those recommended by the Plenipot. In September 1990, the Commission adopted a *Second Notice of Inquiry (Second NOI)* in this proceeding (55 FR 40888; October 5, 1990) that made



specific proposals for some of the services discussed in the *NOI* and discussed the additional issues addressed by the ITU Administrative Council.

3. The purpose of this *Supplemental NOI* is not to address comments filed in response to the *NOI* and *Second NOI*, but rather to solicit comments on new proposals and concepts that will complement the information already obtained as a result of the *NOI* and *Second NOI*. Specifically, the Commission solicits comment on additional allocation options for BSS (Sound) with complimentary terrestrial broadcasting, proposes additional allocations for mobile-satellite service (MSS), including both geostationary orbit (GSO) and low-earth orbit (LEO) satellites, and discusses additional allocations for a future public land mobile telecommunication system, space research service, inter-satellite service, and HDTV BSS Service.

4. Regarding BSS (Sound) with complementary terrestrial broadcasting, the Commission solicits comments on an option submitted by the Executive Branch to allocate the 2360-2410 MHz band for these services. If this option were implemented, the existing primary fixed, mobile, and radiolocation services in this band would be reduced to secondary status following a transition period. With respect to GSO systems, the Commission proposes to allocate the 2110-2130/2160-2180 MHz bands as downlinks on a co-primary basis with existing point-to-point microwave and paging services subject to sharing studies, and the 2410-2450 MHz band as an uplink with the existing primary fixed, mobile, and radiolocation services downgraded to secondary status after a transition period. Finally, regarding LEO systems, the Commission proposes the 1613.8-1626.5 MHz band as a secondary downlink allocation along with the *Second NOI* proposals for a primary uplink MSS allocation in the 1610-1626.5 MHz band. If studies demonstrate that sharing on a primary basis with existing GSO satellite and radioastronomy services is feasible, the 1613.8-1626.5 MHz allocation would be upgraded to primary. In order to satisfy the long-term LEO requirement, the Commission proposes to add MSS to the 1850-1990 MHz band on a shared primary basis with existing fixed and mobile services, subject to studies demonstrating that sharing is feasible.

5. This action is taken pursuant to sections 4(i), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 303(r), and 403. Pursuant to § 1.1204(a)(4)

of the Commission's Rules, 47 CFR 1.1204(a)(4), no *ex parte* restrictions apply to this proceeding.

#### List of Subjects in 47 CFR Part 2

Frequency allocations and radio treaty matters; General rules and regulations, radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-7132 Filed 3-26-91; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 641

[Docket No. 910370-1070]

#### Reef Fish Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

**SUMMARY:** NOAA issues this proposed rule to implement a portion of Amendment 3 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). This proposed rule would remove speckled hind from the species managed as shallow-water groupers (all groupers other than jewfish and deep-water groupers) and add it to the species managed as deep-water groupers (yellowedge, misty, warsaw, and snowy grouper). In addition, Amendment 3 would: (1) extend the target date for rebuilding the red snapper resource in the Gulf of Mexico from January 1, 2000, to January 1, 2007; and (2) add to the management measures that may be implemented or modified via the FMP's framework procedure the setting of target dates for rebuilding overfished reef fish stocks, with an upper limit for the rebuilding periods not exceeding 1.5 times the generation time of the species under consideration. The intended effects of this rule and Amendment 3 are to place speckled hind in the species group to which it properly belongs, to provide the Council with a target date for red snapper that is attainable, and to provide the Council with necessary flexibility in the rebuilding program for reef fish.

**DATES:** Written comments must be received by May 13, 1991.

**ADDRESSES:** Comments on the proposed rule should be sent to Robert A. Sadler, Southeast Region, National Marine

Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

Requests for copies of Amendment 3, which includes a regulatory impact review/environmental assessment (RIR/EA), and a minority report that objects to the proposed upper limit for the rebuilding periods should be sent to the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL 33609.

#### FOR FURTHER INFORMATION CONTACT:

Robert A. Sadler, 813-893-3722.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the FMP prepared by the Gulf of Mexico Fishery Management Council (Council) and its implementing regulations at 50 CFR part 641, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.*

#### Speckled Hind

Amendment 1 to the FMP included speckled hind (*Epinephelus drummondhayi*) as a shallow-water grouper. After the 1990 commercial quota for shallow-water grouper was reached and the commercial shallow-water grouper fishery was closed on November 8, 1990, a significant increase was noted in the catch of speckled hind by vessels targeting deep-water groupers. Speckled hind reportedly represented from 30 to 40 percent of the groupers being taken after the closure but they could not be retained. Because speckled hind are taken from relatively deep water, there is a high rate of mortality when they are released. Thus, during the closure, the resource was being wasted.

The Council found that the waste of speckled hind resulting from its inclusion in the shallow-water grouper category constituted an emergency. The Secretary concurred and promulgated an emergency rule, effective for 90 days commencing December 11, 1990, that transferred speckled hind from the shallow-water to the deep-water grouper category (55 FR 51722, December 17, 1990). Amendment 3 would make that transfer permanent.

The categories used in the FMP reflect a bathymetric association for the shallow- and deep-water groupers. However, no specific depth zone was established to separate the two groups. The groups are principally distinguished by ecological distribution, with the deep-water groupers generally found further offshore in deeper waters beyond reef areas. Speckled hind are found on the outer reefs, mainly at depths of 100 fathoms or greater, and



occur as a significant component of the deep-water fishery. The magnitude of catches of speckled hind during the shallow-water grouper closure in a fishery that was not taking any appreciable amounts of other shallow-water groupers strongly indicates that speckled hind is not properly classified as a shallow-water grouper.

#### Change in Target Date

As part of a rebuilding program, Amendment 1 to the FMP established a target date of January 1, 2000, for attaining a spawning potential ratio (SPR) for reef fish resources of 20 percent. (In Amendment 1, the Council's goal was expressed in terms of a spawning stock biomass per recruit ratio (SSBR) of 20 percent. Both SPR and SSBR refer to the same index of population status. SPR is technically a more correct reference to spawning stock index and is used in the most recent stock assessment.)

Because of the current depleted status of the red snapper resource, closure of the red snapper directed commercial and recreational fisheries would have to be imposed immediately and significant reductions in the harvest of juvenile red snapper as bycatch in the shrimp trawl fishery would have to be imposed by January 1, 1993, in order to meet the SPR goal by 2000. A recent amendment to the Magnuson Act, Public Law 101-627, restricts the ability of the Secretary of Commerce (Secretary) to impose reductions in the shrimp trawl bycatch of red snapper before January 1, 1994. However, even with a prohibition of all directed red snapper fishing commencing January 1, 1991, and with a zero shrimp trawl bycatch of red snapper commencing January 1, 1994, the SPR goal would not be met by 2000. The Council is acutely aware that immediate action is required to reduce the fishing mortality of red snapper but is unable to propose any management measures for red snapper that are consistent with the timeframe for attaining the SPR objective of the FMP.

Accordingly, Amendment 3 proposes to extend the target date for red snapper to January 1, 2007. The target date for other species of reef fish would not be changed. The Council chose to extend the target date to 2007 and allow catches to continue, but at a reduced rate, to lessen the social and economic burdens associated with a complete closure of the red snapper fishery. A reduced recreational bag limit and commercial quota, implemented commencing in 1991, in combination with a 50 percent reduction of shrimp trawl bycatch of juvenile red snapper after January 1,

1994, will enable attainment of the SPR objective by 2007.

#### Change in Framework Measures

The FMP, as amended, contains a procedure for specification of total allowable catch and adjustment of management measures. The target dates for rebuilding reef fish stocks are not included among the management measures that may be adjusted via the framework procedure. Lack of flexibility in this regard has contributed to significant delays in implementing necessary conservation measures on red snapper.

The dynamics of the reef fish resources, paucity of biological data on the resource, paucity of economic and social data on fishermen, and the difficulties in making long-term predictions weigh against fixed target dates. Accordingly, Amendment 3 proposes to add target dates to the management measures that may be changed under the framework procedure, with the constraint that a target date may not provide for a rebuilding period that exceeds 1.5 times the generation time for the species being considered. Generation time is the age at which the average female fish achieves half of her expected lifetime egg production. This constraint provides an upper limit for the selection of an appropriate target date.

As with all changes recommended by the Council via the framework procedure, the changes in target dates would have to be consistent with the objectives of the FMP, the national standards, and other applicable law and would be available for public comment.

No regulatory changes are proposed to add changes in target dates to the management measures that may be implemented or modified via the framework procedure or to implement the change in the target date for red snapper. However, the Council is expected to submit in the near future a regulatory amendment under the framework procedure that: (1) Will reduce the harvest of red snapper in the directed fishery commencing in 1991; and (2) in combination with future actions, will attain the SPR objective for red snapper by 2007.

Additional information on the proposed transfer of speckled hind to the shallow-water grouper category, the proposed change in the target date for rebuilding the red snapper resource, and the proposed adjustment, within limitations based on the generation time for each species, of target dates via the framework procedure are contained in Amendment 3. Additional information on the objections to the limitations on

target dates via the framework procedure are contained in the minority report. The availability of Amendment 3 and the minority report was announced in the *Federal Register* on March 8, 1991 (56 FR 9930).

#### Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended, requires the Secretary to publish regulations proposed by a Council within 15 days of receipt of an FMP amendment and regulations. At this time, the Secretary has not determined that Amendment 3, which this proposed rule would implement, is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The Under Secretary for Oceans and Atmosphere, NOAA, has initially determined that this proposed rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Council prepared a regulatory impact review (RIR) that concludes that this proposed rule, if adopted, over the short term, would have negligible economic effects on the commercial and recreational sectors of the red snapper fishery, which sectors include small entities. This proposed rule would allow future actions that, over the long term, could have benefits to the commercial and recreational sectors of the red snapper fishery. Any future action that might be undertaken as a result of the proposed revision of the target date for red snapper or the proposed modification of the framework procedure would be estimated and analyzed in an RIR and, if required, a regulatory flexibility analysis (RFA). The RIR also concludes that the transfer



of speckled hind from the species managed as shallow-water groupers to the species managed as deepwater groupers, if adopted, would have economic benefits. The overall conclusion of the RIR is that this action is not expected to significantly affect a substantial number of fishery participants. Accordingly, the General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities; and an RFA was not prepared.

The Council prepared an environmental assessment (EA) that discusses the impact on the environment as a result of this proposed rule. A copy of the EA may be obtained at the address listed above and comments on it are requested.

The Council has determined that this proposed rule will be implemented in a

manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Alabama, Florida, Louisiana, and Mississippi. Texas does not participate in the coastal zone management program. These determinations have been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

#### List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 21, 1991.

Samuel W. McKeen,  
Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 641 is proposed to be amended as follows:

#### PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 641 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 641.25, paragraph (b) is revised to read as follows:

#### § 641.25 Commercial quotas.

\* \* \* \* \*

(b) Yellowedge, misty, warsaw, and snowy grouper and speckled hind (deep-water groupers), combined—1.8 million pounds.

\* \* \* \* \*

[FR Doc. 91-7237 Filed 3-22-91; 8:45 am]

BILLING CODE 3510-22-M



## Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### BLACKSTONE RIVER VALLEY

#### National Heritage Corridor Commission

##### Adoption of Logo

In accordance with Public Law 99-647, the public is notified that the Blackstone River Valley National Heritage Corridor Commission has adopted the following as its logo:



Further information concerning this logo may be obtained from James Pepper, Executive Director of the Commission at P.O. Box 34, Uxbridge, MA 01569.

James Pepper,

Executive Director, Blackstone River Valley National Heritage Corridor Commission.

[FR Doc. 91-7250 Filed 3-26-91; 8:45 am]

BILLING CODE 4310-70-M

### DEPARTMENT OF COMMERCE

#### Bureau of Export Administration

##### Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

A meeting of the Electronic Instrumentation Technical Advisory Committee will be held April 24 & 25, 1991, 9 a.m., Herbert C. Hoover Building, room 1617F, 14th & Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with

respect to technical questions that affect the level of export controls applicable to electronics and related equipment and technology.

#### Agenda

##### General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Election of Chairman.

##### Executive Session

4. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, TAC Staff/ODAS/EA/BXA, room 1621, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined in January 5, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 8628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377-2583.

#### Federal Register

Vol. 56, No. 59

Wednesday, March 27, 1991

Dated: March 22, 1991.

Betty Anne Ferrell,

Director, Technical Advisory Committee Staff.

[FR Doc. 91-7169 Filed 3-26-91; 8:45 am]

BILLING CODE 3510-DT-M

### International Trade Administration

[A-580-008]

#### Color Television Receivers From the Republic of Korea; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration/International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On December 19, 1990, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on color television receivers from the Republic of Korea. The review covers four manufacturers and/or exporters and the period April 1, 1987 through March 31, 1988 (fifth review).

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received and the correction of certain clerical errors, we have changed the preliminary rates. The final dumping margins range from *de minimis* to 3.79 percent.

EFFECTIVE DATE: March 27, 1991.

FOR FURTHER INFORMATION CONTACT: Zev Primor or Maureen Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-2923.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 19, 1990, the Department of Commerce ("the Department") published in the Federal Register (55 FR 50258) the preliminary results of its administrative review of the antidumping duty order on color television receivers from the Republic of Korea (49 FR 18336, April 30, 1984). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930



("the Tariff Act") and 19 CFR 353.22 (1990).

#### Scope of the Review

Imports covered by this review are shipments of color television receivers, complete and incomplete, from the Republic of Korea. The order covers all color television receivers ("CTVs") regardless of tariff classification. During the period of review, the merchandise was classifiable under item numbers 684.9246, 684.9248, 684.9250, 684.9252, 684.9253, 684.9255, 684.9256, 684.9258, 684.9262, 684.9270, 684.9275, 684.9655, 684.9656, 684.9658, 684.9660, 684.9663, 684.9664, 684.9866, 687.3512, 687.3513, 687.3514, 687.3516, 687.3518, and 687.3520, of the Tariff Schedules of the United States Annotated (TSUSA). As of January 1, 1989, this merchandise is classifiable under Harmonized Tariff Schedule (HTS) items 8528.10.80, 8529.60.15, 8529.60.20, and 8540.11.00. TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers four manufacturers and/or exporters and the period April 1, 1987 through March 31, 1988.

#### Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received timely comments from the International Brotherhood of Electrical Workers, the International Union of Electronic, Electrical, Technical, Salaried and Machine Workers, AFL-CIO-CLC, the Independent Radionic Workers of America, and the Industrial Union Department, AFL-CIO (the petitioners); Zenith Electronics Corp. (Zenith); and four respondents, Goldstar Co. (Goldstar), Samsung Electronics Co. (Samsung), Daewoo Electronics Co. (Daewoo), and Quantronics Manufacturing Korea, Ltd. (Quantronics).

#### General Comments

**Comment 1:** Citing *Zenith Electronics Corp. versus United States*, 633 F. Supp. 1382 (CIT 1986), appeal dismissed, 875 F.2d 291 (Fed. Cir. 1989), and *Daewoo Electronics Co., Ltd. versus United States*, 71 F.Supp. 931 (CIT 1989), petitioners and Zenith argue that the Department's methodology for determining the amount of taxes to be added to U.S. price (USP) with respect to Korean taxes rebated or not collected by reason of exportation is incorrect. Petitioners contend that the Department failed to measure the amount of tax actually passed through to consumers/customers in the home market for

purposes of this adjustment. Zenith argues that the Department failed to cap the amount of tax added to U.S. price, even assuming full pass through. Both Zenith and petitioners argue that the Department unlawfully made a circumstance of sale (COS) adjustment to foreign market value (FMV) for the difference between the amount of tax added to USP and the tax included in the home market price.

Daewoo and Samsung argue that, because the issue of measuring commodity tax pass-through is still the subject of litigation and has yet to be settled by the Court of Appeals for the Federal Circuit, the Department is not bound by the lower court's decisions. Moreover, both respondents note that the econometric study performed by the Department with respect to the court remand in the first administrative review of the order, which determined the tax incidence to be 100 percent, encompassed the fifth review period. Thus, the Department has not merely assumed the pass-through of the Korean commodity taxes for this review. Goldstar concurs that the Department need not change its current position on tax pass-through.

Regarding the COS adjustment for differences in commodity taxes, Daewoo observes that this issue is still subject to ongoing litigation, but, in any event, the COS adjustment is the only way to ensure an apples-to-apples comparison between FMV and USP and avoid a violation of Article VI of the General Agreement on Tariffs and Trade (GATT). Samsung concurs, arguing that unless the Department makes a COS adjustment for the differences in commodity taxes, it would violate U.S. GATT obligations by imposing duties greater than the amount of dumping. Goldstar simply notes that both petitioners and Zenith raised the same arguments in the fourth review, and that these were considered and rejected by the Department.

**Department's Position:** We do not agree with the court in *Zenith* or *Daewoo* but have not had an opportunity to appeal the issue on its merits. Consistent with our long standing practice, we have not attempted to measure the amount of tax "passed-through" to customers in the Korean home market. We do not agree that the statutory language limiting the amount of adjustment to the amount of the commodity tax "added to or included in the price" of CTV's sold in the Korean home market requires the Department to measure the incidence of tax in an economic sense.

The tax base in Korea is the net dealer delivered price, which is the price

to the first unrelated party. Therefore, to make an appropriate "apples-to-apples" comparison, we used the price to the first unrelated party in the United States as the U.S. tax base. We calculated the adjustment by multiplying the home market tax rate by the U.S. tax base and added the resulting amount of imputed tax to USP. We did not "cap" or otherwise reduce the amount of imputed tax that should be added to USP, as this would have been inconsistent with our efforts to make an appropriate "apples-to-apples" comparison between FMV and USP. In order to avoid artificially inflating or deflating margins, we did make COS adjustments equal to the difference between the per unit tax collected in Korea and the imputed per unit tax calculated for U.S. merchandise. See our position in *Color Television Receivers from the Republic of Korea; Final Results of Antidumping Duty Administration Review*, 55 FR 26225 (June 27, 1990) (Fourth Review), Comment 1.

**Comment 2:** Zenith complains that the Department used an incorrect U.S. tax base to determine the amount of tax to be added to USP. Zenith argues that the "comparable" price for the U.S. sale cannot exceed the FOB export price. In addition, Zenith contends that, even if the Department erroneously maintains that the U.S. tax base is the delivered price to the first unrelated U.S. purchaser, such price should be adjusted to exclude "export-only" costs, such as ocean freight, customs clearance costs, U.S. duties, and U.S. freight charges, because such costs are, in effect, "tax-burdened" costs to the extent that they contribute to the U.S. tax base, and are not reflected in home market prices.

Goldstar observes that the Department addressed this issue in the remand of the first review of the order and that nothing in Zenith's comments offers any reason for the Department to change its position. Daewoo contends that if certain costs included in the U.S. tax base are tax-burdened, they are equally tax-burdened on the home market side. Samsung urges the Department to be consistent and adopt the same position it took in the fourth review. Further, Samsung argues that there is no reason to distinguish between home market and export delivery expenses, and that under Zenith's approach the calculation of the commodity tax offset would be severely distorted by understating the amount of tax to be added to USP.

**Department's Position:** We disagree with Zenith that the ex-factory price should be used as the tax base. After determining what the appropriate tax



base is for CTV's in the Korean home market, we then determined the equivalent tax base in the United States. We found that the Korean home market commodity taxes are computed on the basis of net sales price to dealers or distributors, i.e., the price to the first unrelated parties. Accordingly, the most appropriate "apples-to-apples" comparison is the delivered U.S. dealer price, i.e., the price to the first unrelated party in the United States. Further, we do not agree that any adjustment should be made to the U.S. tax base for what Zenith describes as tax-burdened costs, because any such adjustment would arbitrarily affect the USP at the best "apples-to-apples" point of comparison with FMV in the sales/distribution chain. As Samsung correctly observes, Zenith's approach would distort the calculation of the imputed commodity tax, resulting in an understated amount of tax being added to USP. See our position in the Fourth Review, Comments 19 and 50.

**Comment 3:** Zenith contends that the Department should take into account each of respondent's accounts payable that relates to home market sales, and apply the respondent's short-term interest rate to the average age and balance of those accounts to offset all claimed home market selling expenses. Zenith maintains that the true cost of the accounts payable is not the amount paid out, but rather the amount paid out minus the savings realized by paying that amount sometime after the obligation was accrued.

Samsung and Daewoo argue that the Department has a well-established practice of not imputing such "savings" or deducting them from home market selling expenses, and that this approach should be taken in this review. In addition, Goldstar contends that, unlike imputed credit expenses, any benefit incurred as a result of a discount or rebate would have been taken into account in setting terms of the discount or rebate.

**Department's Position:** We agree with respondents that there is no basis upon which to take into account or to deduct any alleged imputed "savings" from delay in payment of home market selling expenses. As we pointed out in the Fourth Review, any such savings would be taken into account by the seller in setting the terms of the discount or rebate. Therefore, it is not necessary to impute any additional offsetting savings. This is in contrast to credit costs or inventory carrying costs, where the seller does not know how long it will take for a customer to pay or how long the related U.S. party will store the

merchandise before selling it. See our position in the Fourth Review, Comment 2.

**Comment 4:** Zenith is concerned that respondents have included, and the Department has accepted, various indirect expenses that are not indirect selling expenses as part of an offset to FMV. Zenith urges the Department to require respondents to demonstrate that all of the claimed indirect expenses in the FMV offset pool are, in fact, selling expenses. Zenith further points out that the Department's regulations allow for adjustments for indirect expenses which are selling expenses only, and not general or administrative expenses (19 CFR 353.56(b)).

Citing to previous reviews of the order, respondents note that the Department has repeatedly considered and rejected Zenith's position. Daewoo further contends that, in this as well as in past reviews, it has fully documented its indirect selling expenses and that there is no change in the facts that would warrant a change in the Department's position. Samsung echoes these remarks by stating that there is no basis for suspecting that it has reported as part of indirect home market selling expenses any expenses which do not qualify for treatment as "selling" expenses.

**Department's Position:** We have followed the same practice in this review as we have in previous reviews. See Color Television Receivers from Korea; Final Results of Antidumping Duty Administrative Review, 53 FR 24975 (July 1, 1988) (Third Review, Comment 2); and Fourth Review, Comment 3. As we explained in those reviews, the pool of indirect selling expenses in the home market should include those expenses which are similar to the expenses incurred by the subsidiary in the United States whose function it is to sell merchandise. Accordingly, the equivalent home market expenses are those which are incurred by the home market selling division in support of the home market sales effort and which include certain general expenses associated with selling. Further, respondents have followed the same practice in identifying and providing their indirect selling expenses in this review as in previous reviews, which we have found to be adequate.

**Comment 5:** Zenith argues that the Department should correct its exporter's sales price (ESP) calculations by deducting the amount of antidumping-related legal expenses which respondents paid during the period of review. Zenith contends that these legal

expenses are selling expenses and should be deducted in the same manner as are other selling expenses.

Respondents urge the Department to once again reject Zenith's argument and follow its well-established practice that legal fees incurred in connection with antidumping reviews do not qualify as selling expenses to be deducted from ESP. Further, respondents observe that the Court in *Daewoo* expressly rejected Zenith's argument on this issue.

**Department's Position:** In this review, we have followed our practice as explained in past reviews (see Third Review, Comment 12; Fourth Review, Comment 4), and specifically sustained by the Court in *Daewoo*. We do not consider legal fees paid in connection with litigation resulting from an earlier investigation or previous administrative reviews to constitute expenses related to sales made during this period of review. Such expenses are incurred to defend against an allegation of dumping. Accordingly, they are not expenses incurred in selling merchandise in the United States. Moreover, to deduct legal fees as selling expenses would effectively discriminate against those respondents who seek legal counsel in proceedings before the Department.

**Comment 6:** Zenith contends that the Department should reduce USP by the amount of any estimated antidumping duties paid and any expenses associated with paying such duties because the Tariff Act requires that USP be reduced by any charges or expenses that are incident to bringing merchandise from the country of exportation to its place of delivery in the United States (19 U.S.C. 1677a(d)(2)(A)).

Daewoo argues that estimated antidumping duties have no direct relationship to the amount of actual antidumping duties, if any, that may ultimately be assessed against the merchandise. Further, it would be inconsistent with public policy to make an adjustment that would create artificial dumping margins and might encourage frivolous claims. Goldstar and Samsung also note that Zenith's argument has been repeatedly rejected by the Department, and urge the Department to follow its longstanding practice of not deducting such estimated duties from USP. Samsung also argues that making any adjustment for estimated duties would artificially increase the margins of a company simply because it was under investigation.

**Department's Position:** We have followed the position in this review as explained in previous reviews. See Third Review, Comment 13; Fourth



Review, Comment 5. Like legal fees, we do not consider estimated antidumping duties to be expenses related to sales of merchandise under consideration for this review period. Further, given the possibility that these estimated duties could vary significantly from duties that may be assessed, we do not consider them to be "expenses" within the meaning of section 772(d)(2)(A) of the Tariff Act for purposes of determining USP. Finally, estimated duties and duties assessed are paid by the importer, which is in some cases unrelated to the party whose sales are under review.

*Comment 7:* Zenith claims that the Department has erroneously treated selling commissions in the United States as though they consist entirely of indirect selling expenses. Zenith contends that such commissions consist of both direct and indirect selling expenses. Accordingly, if the direct selling expense component of the commission is not removed, the offset to FMV, consisting of indirect expenses up to the full amount of U.S. commissions, will be overstated by the amount of the direct expense component of the U.S. commission. Zenith also argues that all indirect selling expenses incurred in the home market on all commissioned U.S. sales should be removed from USP. Zenith is concerned that, unless this adjustment is made, such expenses may be commingled with home market indirect expenses included in offsets to FMV.

Goldstar and Samsung argue that the Department has previously rejected Zenith's first argument because commission expenses are purely direct expenses from the standpoint of the seller. Daewoo explains that, if one of its commissioned agents sells a CTV, it receives payment and the agent receives a commission. But if there is no sale, or if the sale is canceled, no commission is paid. Daewoo argues that this is a classic case of a direct selling expense, as it varies directly with the amount of each sale.

*Department's Position:* Section 353.56(b)(1)(1990) of our regulations requires us to make an adjustment for situations in which a commission is paid in one market but not in the other market. That adjustment is limited to "the amount of the other selling expenses" allowed in the other market. We do not interpret this regulation as requiring us to limit the offset to only the amount of the indirect expenses of the recipient of the commissions. This is the same methodology we have used in previous reviews. See, e.g., our position in the Fourth Review, Comment 6.

Regarding Zenith's concern over the possible existence of indirect expenses incurred in Korea that might be associated with commissioned U.S. sales, we find nothing in the record to suggest that such indirect expenses exist, and Zenith has not pointed to any evidence in the record to indicate that they exist.

*Comment 8:* Zenith argues that the Department patently understates the best estimate of the ultimate liability on future entries by establishing antidumping cash deposit rates as a percentage of reviewed entries' statutory USP, rather than as a percentage of their lower entered values. For purposes of determining the amount to be deposited on entries not yet subject to review, Customs applies the weighted-average dumping margin to the declared value of the entered merchandise as best information available. Zenith argues that because the entered value is often less than the statutory USP, the dollar amount of the required deposit is less than it might otherwise be if the entered value of the merchandise were used to compute the dumping duty.

Respondents note that Zenith's position has been rejected by the Department and also by the Court in *Daewoo*, and urge the Department to continue with its well-established practice of calculating the cash deposit rate by basing weighted-average margins on USP, not the entered value of the merchandise.

*Department's Position:* In this review, we have followed our practice as explained in previous reviews of this order. See Third Review, Comment 15; Fourth Review, Comment 7. Section 736 of the Tariff Act requires the Department to instruct U.S. Customs to "assess an antidumping duty equal to the amount by which the FMV of the merchandise exceeds the United States price of the merchandise \* \* \*" (19 U.S.C. 1673e(a)(1)). Thus, by statute, we are required to calculate an assessment rate based upon the statutory USP of the reviewed entries, not upon the entered value of the merchandise.

The actual assessment rate also serves as the best estimate of the ultimate antidumping duty liability for all subsequent entries not yet subject to review. We use this rate to establish cash deposit rates because, at the time the merchandise is entered, its USP has yet to be determined. Insofar as cash deposits must be made at the time of entry, we instruct Customs to determine the amount of the required deposits by basing it upon a percentage of the only value available—the entered value.

However, if it is determined after a subsequent review that the amount of the estimated duties deposited on those entries is less than the actual amount to be assessed, the Department instructs Customs to collect the difference together with interest.

*Comment 9:* Zenith contends that, in those instances where the Department used constructed value (CV) for FMV, it has failed to include in the calculation of CV all of the general expenses usually reflected in home market sales of the merchandise. Zenith argues that, because the price-based FMV relies upon delivered prices, CV should also include inland freight and the various Korean home market commodity taxes.

Samsung argues that it is axiomatic that CV should not include home market inland freight. Referring to the Department's 1985 study of antidumping adjustment methodology, Samsung notes that CV reflects "ex-factory prices of the merchandise, packed for delivery to the U.S." and, "by definition," does not include "delivery costs."

Goldstar notes that, in the Fourth Review, (Comment 40), the Department ruled that inland freight expenses should not be included in CV. With respect to the inclusion of home market commodity taxes, Goldstar points to the statute which provides that CV should include the cost of materials, "exclusive of any internal tax applicable in the country of exportation directly to such materials." 19 USC 1677b(e). Goldstar argues that it would be a bizarre interpretation of the statute to add such taxes back into CV given that Congress has expressly excluded them from materials costs. Goldstar also notes that the Department has specifically ruled that home market taxes should not be included in CV. New Steel Rail, Except Light Rail, from Canada, 54 FR 31984, 31985 (1989).

Both Daewoo and Quantronics agree that movement costs should be excluded from CV and contend further that the Department lacks the authority to include home market commodity taxes in CV. Daewoo argues that CV is not a selling price, but a constructed or artificial surrogate for FMV. Because by definition there is no sales transaction when CV is used, no Korean commodity taxes accrue.

*Department's Position:* We agree with respondents that neither home market inland freight nor home market commodity taxes should be included in CV. Pursuant to the statute, the Department constructs an ex-factory value which consists of the sum of the cost of manufacturing, general expenses (i.e., selling, general, and administrative



(SG&A) expenses), profit on home market sales, and the cost of packing the merchandise for shipment to the United States. In order to make an appropriate "apples-to-apples" comparison of this surrogate FMV to USP, all commodity taxes and movement expenses are removed from USP, and no commodity tax is added thereto. Thus, contrary to Zenith's assertions, when CV is used to determine FMV, there is no basis in the statute, or otherwise, for including inland freight or home market commodity taxes.

#### *Samsung*

*Comment 10:* Samsung, Zenith, and petitioners submitted comments concerning various mathematical, computer programming, and clerical errors in the Department's preliminary results analysis of Samsung's response.

*Department's Position:* We have made the following corrections to the appropriate programs in our final results calculations for Samsung: (1) Revised computer instructions were applied to the entire model-match matrix, resulting in appropriate matches between the U.S. and comparable home market models within the 90/60 day period of contemporaneous sales; (2) the U.S. model CT-677W was matched with the home market model CT-2675S, rather than with the model CT-2677, since sales of model CT-2675S were contemporaneous with the U.S. sales, but sales of model CT-2677 were not; (3) in the FMV calculation for incomplete CTVs, selling expenses attributable to Korean-produced CTVs, rather than selling expenses related to television components imported into the United States for further assembly, were deducted from the applicable CV; (4) home market credit expenses applicable to CVs used in comparison with the U.S.-produced CTVs were deducted from the CV; (5) typographical errors regarding CV for models 8-0904 and 685-2139 were corrected; (6) an allocated portion of profit rather than total profit, was deducted from the USP for CTV models subject to further assembly in the United States; (7) sales quantities rather than entry quantities were used in calculation of the unit margin; (8) a corrected color picture tube (CPT) royalty expense rate was applied to the cost of manufacture; (9) for purchase price (PP) sales, customs clearance fees were included as part of the movement expenses; and (10) computer instructions were revised to eliminate errors in the selection of months for home market sales comparisons.

*Comment 11:* Samsung claims that the Department's computer program failed

to deduct home market forwarding expenses (i.e., labor costs incurred in loading CTVs at the warehouse onto trucks for shipment) as direct movement expenses. Petitioners argue that the Department should treat the forwarding charge as an indirect expense since it is based on the wages of temporary workers whom Samsung has failed to demonstrate are not "salaried employees for all intents and purposes."

*Department's Position:* We agree with Samsung. Forwarding charges are clearly linked with CTVs sales and should be considered direct movement expenses. In addition, in the fourth review, the Department accepted Samsung's claim that the hourly wage expenses incurred in forwarding CTVs were direct movement expenses. (See Fourth Review, Comment 63.) Petitioners have presented no evidence in this review to support their allegation or to explain why the Department should change its position in the current administrative review. Consequently, we made the changes requested by Samsung.

*Comment 12:* Samsung requests that its bad debt expenses on home market sales should be treated as direct selling expenses. It argues that bad debt expenses are similar to warranty expenses in that costs incurred during the review period for sales made prior to that period can be used to "estimate" the bad debt that will result from sales during the review period. Samsung cites the Daewoo decision in support of its claim.

*Department's Position:* We disagree with Samsung. Pursuant to the Court's explicit instructions in Daewoo, we treated bad debt in the same manner as warranty solely for purposes of the remand determination in the first administrative review. However, as explained in the Fourth Review, the remand order is not a final decision, is not yet ripe for appeal, and may yet be reversed. (See Fourth Review, Comment 47.) In the instant review, not only was Samsung unable to tie its bad debt expenses to CTV sales within the review period, it was not even able to tie such expenses specifically to sales of CTVs, as opposed to sales of other products.

By proposing to "estimate" those expenses, it clearly admitted its inability to link them directly to CTV sales in the current review. Therefore, we have continued to treat Samsung's bad debt claims as indirect selling expenses.

*Comment 13:* Samsung urges the Department to treat home market freight expenses incurred in transferring product from the factory to depot or

distribution warehouses prior to sale as a direct expense. It claims that all home market movement expenses should be treated as direct movement expenses because a "fair price-to-price comparison requires that foreign market value, like USP, be based on an ex-factory price." Red Raspberries from Canada; Final Results and Termination in Part of Antidumping Duty Administrative Reviews, 56 FR 677 (January 8, 1991) [Comment 3].

*Department's Position:* As explained in the third and fourth reviews, the Department does not consider freight costs incurred in transporting merchandise from factory to regional warehouses prior to sale to be directly related to any particular sales. See Third Review, Comment 72 and Fourth Review, Comment 48. Samsung's warehouses are stocked in an effort to increase its order-to-delivery response time, and the expenses incurred in delivering merchandise to inventory are not contingent upon the final sale. As such, we agree with Zenith that costs incurred in delivering unsold merchandise to a central storage warehouse are general overhead costs that are incurred irrespective of particular home market sales. Therefore, we continued to treat these expenses as indirect selling expenses.

*Comment 14:* Zenith argues that the Department failed to account for inventory carrying costs attributable to Samsung's imports of incomplete CTVs in calculating CV for CTVs assembled in the United States.

*Department's Position:* We disagree with Zenith. As specified in the fourth review, although CPTs and printed circuit boards (PCBs) imported from Korea and subsequently assembled into CTVs in the United States are included within the scope of the antidumping order, CPTs and PCBs in and of themselves (i.e., not assembled into CTVs) are not covered by this order. Imputed inventory costs are based on the costs of carrying finished goods in inventory, not goods in progress, nor parts. Therefore, inventory carrying costs attributable to CPTs and PCBs were not included in the calculation of inventory carrying costs for CV. See Comment 24 and Fourth Review, Comment 17.

*Comment 15:* Zenith claims that Samsung's data on U.S. royalty payments incurred in U.S. dollars are deficient. It suggests that we use the won-denominated expenses when adding U.S. royalty expenses to the FMV.

*Department's Position:* We disagree with Zenith that Samsung's data are



deficient. In PP transactions, Samsung paid royalties in U.S. dollars on only a small number of CTVs. Therefore, Samsung's data are not deficient but, rather, reflective of that small number of payments. However, we inadvertently failed to adjust FMV for U.S. royalties incurred in Korean won. Accordingly, we made the appropriate changes.

**Comment 16:** Zenith and petitioners argue that, in calculating the imputed inventory carrying costs on ESP sales, the Department used the incorrect date of shipment as the starting point for measuring the time goods were held in inventory. Samsung claims that there is no need to calculate or adjust for imputed inventory carrying costs since they were already included as part of the indirect selling expenses. See Samsung's response of August 24, 1990, at 2. By attempting to calculate these costs, the Department in essence double-counted U.S. imputed inventory carrying costs.

**Department's Position:** We disagree with Zenith and petitioners. The Department has reviewed Samsung's data and determined that it indeed submitted the imputed inventory carrying costs as part of the U.S. indirect selling expenses. We also determined that the methodology used to calculate these expenses was in accordance with the Department's position as specified in the Fourth Review, Comments 16 and 57. As a result, we removed any additional inventory costs calculations in order to avoid double-counting these expenses.

**Comment 17:** Petitioners claim that Samsung failed to report separately its home market air freight charges, which were incurred on a per CTV basis, and its home market truck transportation charges, which were incurred on a volume basis. They argue that it is distortive to combine the charges in this case.

**Department's Position:** Samsung, in its supplemental response (August 20, 1990, at 25), separately reported charges for air freight and ground transportation expenses, each calculated on a per unit basis. We have used these per unit expenses in our calculations.

**Comment 18:** Petitioners claim that Samsung was inconsistent when it based its Korean credit expense rate calculation on a 365-day year and its U.S. credit expense rate calculation on a 360-day year. Respondent claims that both methodologies are consistent with generally accepted accounting principles in Korea and the United States, respectively.

**Department's Position:** We agree with petitioners that the credit rate calculation is distorted by the use of a 360-day year in one market and a 365-

day year in another. In order to maintain a consistent calculation method in both markets, we recalculated the U.S. average interest rate based on a 365-day year.

**Comment 19:** Petitioners argue that related-party loans should be excluded from the short-term interest rate computation.

**Department's Position:** We agree with petitioners. However, as noted in Samsung's home market submission (November 8, 1988, appendix B-10), related-party loans were excluded from the calculation of the short-term interest rate. Thus, no modifications to our analysis are necessary.

**Comment 20:** Petitioners request that the Department not treat after-sale engineer salaries as direct warranty expenses. They claim that since Samsung's after-sale engineers are part of a company which produces a variety of electronics products, it is likely that these engineers repair all types of products. Thus, the expenses associated with their employ cannot be tied directly to CTV warranty repairs. Furthermore, the Department does not consider salaries to be directly related to sales. If the Department treats these salaries as direct expenses, Samsung should be required to calculate the expense rate based on actual salaries paid to after-sale engineers, not an allocated portion of total salaries of the after-sale division.

Samsung claims that it was able to segregate the variable and fixed expenses associated with after-sale warranty costs. Additionally, Samsung claims that treatment of after-sale engineer salaries as direct expenses is necessary to ensure consistent treatment of warranty expenses in the home market and the United States. Respondent cites the *AOC International, Inc. v. United States* (AOC), (721 F.Supp. 314 (CIT 1989)) decision remand which directs us to consider in-house servicemen salaries as a direct expense.

**Department's Position:** We disagree with Samsung. Under our long-established policy, fixed costs do not qualify as directly related selling expenses. Moreover, we see no reason to overturn this policy since, as previously indicated in the fourth administrative review, the remand in AOC is not final, and may yet be reversed (see Fourth Review; Comment 29). Therefore, we removed the after-sale salaries from the direct warranty expenses.

**Comment 21:** Petitioners assert that the Department should reject Samsung's calculation of an average warranty expense since, in the same submission, it provided warranty expenses on a

model-specific basis, which is a more accurate method for measuring warranty expenses.

**Department's Position:** We disagree with petitioners. The "model-specific" warranty expenses referred to by petitioners were actually based on the total expenses incurred in the review period. Furthermore, we accepted as reasonable the average warranty expense rate for Samsung in previous administrative reviews using the same methodology (see Fourth Review, Comment 61 and Third Review, Comment 58). In this review, petitioners have not shown that this methodology is unreasonable.

**Comment 22:** Petitioners argue that for the Korean-produced CTV models, the Department erred in averaging CV amounts over a one-year period, since production costs vary notably over the review period.

**Department's Position:** We disagree with petitioners. The use of shorter periods can cause aberrations due to short-term cost fluctuations, such as lump-sum payments to employees, which properly should be allocated over a one-year accounting period. Thus, averaging over a one-year period provides a more accurate picture of the cost of production. Additionally, contrary to petitioners' claim, cost variations during this review period were minimal. Finally, a similar methodology was employed in the last review (see Fourth Review, Comment 10). Petitioners have not provided any new information to challenge this approach.

#### Goldstar

**Comment 23:** Goldstar, Zenith, and petitioners submitted comments concerning various arithmetical, computer programming, and clerical errors in the Department's preliminary results analysis of Goldstar's response.

**Department's Position:** We have made the following corrections to clerical errors in the appropriate programs in our final results calculations for Goldstar: (1) For CTVs further processed in the United States, Korean selling expenses pertaining to CPTs/PCBs fully manufactured in Korea were correctly included in FMV, but were incorrectly deducted from USP—appropriate changes were made; (2) inventory carrying costs and indirect warranty expenses were included in the pool of home market indirect selling expenses eligible for the ESP offset; (3) corrected U.S. further processing data was applied in the profit calculation; (4) model KMV-9002 was correctly matched with the comparable home market models within



the 90/60 day period of contemporaneous sales; (5) model CMT-4562 and any other U.S. model previously excluded from the margin calculation were included therein; (6) U.S. institutional advertising expenses were included in the ESP offset cap; (7) home market commodity tax was recalculated from a transaction-specific to a per unit basis; (8) where home market sales met the criteria for comparison purposes we used home market sales instead of CV as the basis of FMV; (9) where CV was used for comparison to ESP sales, an ESP offset adjustment was made to the FMV; (10) for the Goldstar Electronics International, Inc. (GSEI) program, double counting for U.S. inland freight was eliminated and U.S. inland insurance was added to USP; (11) CV for a model CMR-4200 was corrected; (12) home market model CNR-5002H was used for comparison in accordance with the Department's October 17, 1988 model match letter; (13) for PP sales, foreign wharfage costs were corrected to reflect the currency in which they were incurred.

**Comment 24:** Zenith contends that we should apply inventory carrying costs to Goldstar's incomplete CTVs, just as we did with Goldstar's complete CTVs. Zenith argues that since such costs accrue to both complete and incomplete CTVs, regardless of whether the imported articles in inventory are subject to further processing in the United States, we should therefore impute inventory carrying costs to incomplete CTVs. In response, Goldstar argues that CTVs finally assembled in the United States are produced only after receiving specific orders from unrelated customers. Consequently, for sales made directly to unrelated customers, no pre-sale inventory exists. Goldstar thus concludes that inventory carrying costs need not be imputed to sales of CTVs completed in the United States.

**Department's Position:** We agree with Goldstar. In *Goldstar Co. Ltd. v. United States*, 692 F.Supp. 1382, 1387 (MIT 1988), aff'd, 873 F.2d 1427 (Fed. Cir. 1989) the Court upheld the Department's scope determination that Korean PCBs and CPTs separately imported into the United States, but later assembled into CTVs, are within the scope of the Korean CTV order. However, the Court also stated that CPTs or PCBs either sold by themselves to unrelated customers in the United States, or subsequently combined with U.S. PCBs or CPTs, are not within the scope of the CTV order. Since imputed inventory carrying costs are based on the cost of

carrying the finished goods in inventory, and not goods in progress nor parts, no component can constitute a CTV in inventory until it is finally combined with other parts and components to form a CTV (see Comment 14 and Fourth Review, Comment 17).

**Comment 25:** Petitioners contend that Goldstar understated its credit expense adjustment for PP sales by failing to base its credit expense upon the period from the date of shipment in Korea to the date of payment in the United States. Specifically, petitioners state that Goldstar failed to include transit time in calculating the average payment period. In response, Goldstar contends it correctly calculated its credit expense period by determining the number of days between the date of sale and the date of payment by its U.S. customer.

**Department's Position:** In PP situations, we use the collection period between the date of shipment and the date of payment to calculate credit expense. Thus, if payment is made prior to entry, any transit time subsequent to payment would not be included in the credit calculation. Upon review, Goldstar's methodology, calculated on the number of days between date of shipment and date of payment, properly captured credit expenses in accordance with the Department's methodology.

**Comment 26:** Petitioners claim Goldstar's U.S. indirect selling expense incorrectly included amounts for foreign exchange gain and other income which are unrelated to Goldstar's CTV operations. In contrast, Goldstar claims it followed the Department's longstanding policy of including all expenses of the U.S. subsidiary in determining that entity's indirect selling expenses, regardless of whether such expenses include operating or non-operating expenses. To support its position, Goldstar cites Cellular Mobile Telephones and Subassemblies Thereof from Japan (55 FR 29394, 29397), where, according to Goldstar, the Department recognized that income directly related to the U.S. subsidiary's ongoing business activities should be included in the calculation of indirect selling expenses.

**Department's Position:** We agree with Goldstar's inclusion of foreign currency exchange gain in calculating its U.S. indirect selling expense. However, we agree with petitioners concerning exclusion of "other income" from Goldstar's U.S. indirect selling expense. In determining whether to offset selling expenses with income or interest, we must examine the relationship between such income and the merchandise subject to review. If earned interest, for example, can be related directly to sales

of the merchandise, an offset to indirect selling expense is appropriate. In Cellular Mobile Telephones and Subassemblies Thereof from Japan, we reasoned that even though the nature of the accounts may make it impossible to relate the activity of those accounts to particular sales of the merchandise, interest income need not be exclusively related to the merchandise under review and may be included in the U.S. indirect selling expense as long as such income is related to the selling operations.

In the present case, we find that foreign exchange gain which is related to its CTV operations is analogous to short-term interest income and is, therefore, acceptable as an offset to indirect selling expense. However, Goldstar did not demonstrate that the category listed as "other income" related to the selling operations of the merchandise under review. Therefore, we excluded such income as an offset to the company's U.S. indirect selling expense.

**Comment 27:** Petitioners state that Goldstar's profit amount used in determining CV is based on sales of home market comparison models, rather than on all home market sales of the class or kind of merchandise as required by 19 CFR 353.50(a)(2). According to petitioners, profit should be recalculated to comply with the Department's regulations. Petitioners further contend that the Department should apply the best information available (BIA) rate for profit since Goldstar failed to submit profit for the class or kind of merchandise.

Goldstar argues that it followed the Department's hierarchy of bases for calculating profit as set forth in the questionnaire for this administrative review. Goldstar states that profit of "home market sales of comparable merchandise" is the first basis listed by the Department in its questionnaire, and thus, Goldstar concludes, the one preferred by the Department. Goldstar adds that this was the same methodology which the Department accepted in the fourth administrative review.

**Department's Position:** We agree with petitioners. Pursuant to 19 CFR 353.50(a)(2), profit to be used in the calculation of CV is "reflected in sales of merchandise of the same class or kind as the merchandise (sold) by producers in the home market." However, the rate suggested by petitioners, determined by using Goldstar's data, incorrectly excludes SG&A expenses, allocable to CTV production. Accordingly, we recalculated the profit amounts to include the allocable portion of SG&A



expenses. After recalculating Goldstar's profit rate on a class or kind basis for home market sales, we still find it necessary to apply the statutory minimum of eight percent to represent profit for this CV.

**Comment 28:** Petitioners object to Goldstar's use of an average accounts receivable turnover ratio for determining the credit adjustment for CTVs manufactured in the United States. Petitioners argue that use of a single average credit term for GSEI, rather than GSEI customer-specific terms, yields inaccuracies. For those CTVs assembled in the United States and sold by GSEI to customers, petitioners contend that the Department must calculate the credit expense adjustment on a customer-specific basis. Goldstar, however, states that the same methodology it used in the second administrative review and subsequent reviews was also used in the current review. Moreover, Goldstar indicates that the Department verified and accepted Goldstar's methodology in the second review and subsequent reviews. Finally, Goldstar points out that distortions would result if the company applied one methodology to determine imputed credit costs on the U.S. side, and another to determine such costs on the home market side.

**Department's Position:** We agree with Goldstar that use of an average accounts receivable turnover ratio is a sufficiently accurate measurement of the imputed credit expenses for U.S. sales.

Moreover, in the second administrative review and subsequent reviews on CTVs from Korea, we determined that Goldstar's use of the average turnover method to calculate imputed credit expenses in both the United States and the home market is an acceptable methodology. In the second review, we determined the methodology was acceptable "as long as the reported average short-term rate reflects the interest rate the subsidiary actually incurred" (Color Television Receivers from Korea: Final Results of Antidumping Duty Administrative Review, 51 FR 41365 (Nov. 14, 1986) (Second Review, Comment 53)). Goldstar has not changed its methodology in the current review, and we find no basis for altering that methodology.

**Comment 29:** Petitioners urge the Department to reject Goldstar's cost of short-term funds in calculating U.S. credit costs. For Goldstar of America, Inc. (GSAI), petitioners contend that Goldstar's methodology is unreasonable because it differs from the methodology Goldstar used to determine home market short-term cost of funds. More significantly, petitioners state that a

company's cost of funds is a function of the interest rate charged on the loan, the number of days that the loan is outstanding, and the amount of the loan. By contrast, petitioners note that Goldstar based its calculation on the number of days that each interest rate was applicable. For GSEI, petitioners point out that Goldstar failed to substantiate its reported interest rate because the company did not submit a detailed list of short-term borrowings with supporting calculation worksheets. Petitioners insist that the Department should instead use BIA to calculate Goldstar's ESP credit adjustment for both GSEI and GSAI.

In countering petitioners' argument concerning GSAI, Goldstar contends that "by weight-averaging the interest rates of loans of differing amounts and duration, Goldstar's methodology fully and reasonably accounts for differences in terms among individual borrowings." In regard to substantiation of GSEI's short-term borrowings, Goldstar points out that the Department never required the company to submit a list of short-term borrowings or calculation worksheets, and that Goldstar was prepared to do so in the event of a request by the Department.

**Department's Position:** We agree with Goldstar. With respect to GSAI, we note that we accepted as reasonable and verified the weight-averaging of interest rates in the fourth administrative review. Moreover, we continue to view the weight-averaging methodology as reasonable since it accounts for differences in terms among individual borrowers. With respect to GSEI's short-term borrowings, we do not accept petitioners' implicit suggestion that BIA must be used unless a detailed list of GSEI's borrowings is voluntarily furnished by respondent.

We verified GSEI's short-term borrowings in the fourth review, and find no basis for questioning the accuracy of the company's submission in this review.

**Comment 30:** Petitioners object to Goldstar's inclusion of expenses associated with used product trade-ins and other promotional material in its home market sales promotion expense claim. In this administrative review, petitioners argue that Goldstar did not demonstrate that such expenses are related to its home market sales of the subject merchandise, just as it failed to do in the fourth review (Fourth Review, Comment 79). As a result, petitioners contend that the Department should reject Goldstar's home market sales promotion expense.

In response, Goldstar points out that there was no such adjustment for the

Department to make in the fourth review because the used product trade-in expense and other promotional expenses related to other products, not CTVs. Goldstar thus concludes that the position of the Department taken in the final results notice merely confirmed that the Department did not make an adjustment. In the current review, however, Goldstar claims that it isolated used product trade-in expenses directly related to CTV sales under review. In addition, those product trade-in expenses that related to other products were not included in the reported adjustment. In short, Goldstar argues that the Department should not disallow the product trade-in expense portion of its promotional expense adjustment, and in no circumstances should the Department deny its entire home market sales promotion expense.

**Department's Position:** We agree with Goldstar. In the previous review, Goldstar's expenses for used product trade-ins did not apply to CTVs. However, in the present review, Goldstar reported and isolated used product trade-in expenses specifically for CTVs under review. Consequently, we have accepted Goldstar's used product trade-in expense.

**Comment 31:** Goldstar requests that the Department allow a direct COS adjustment for its home market Promotion of Strategic Products (PSP) rebate. Goldstar contends it should not be necessary to identify the specific CTV sales which received the rebate in order to qualify for the adjustment. Goldstar claims specific identification is unnecessary because dealers were aware of the rebate program prior to making purchases, and because the company segregated the rebate amounts directly related to those CTVs under review and calculated its rebate claim on a model-specific basis. In support of its position, Goldstar cites the Department's policy in the third review (Third Review, Comment 67) and the Court of Appeals for the Federal Circuit's holding in *Smith-Corona Group v. United States* (713 F.2d 1568, 1580 (Fed. Cir. 1983)). Accordingly, Goldstar claims it is well established that rebates need not be reported on a sale-by-sale basis in order for that rebate to qualify for a COS adjustment.

Finally, Goldstar argues that its situation in the present review is distinguished from that in the fourth review and that the Department's treatment should thus be reconsidered. In the fourth review, the Department refused to make a direct adjustment because rebate percentages varied throughout the period. However,



Goldstar contends, the same rationale would not be applicable in the current review.

Zenith disputes the existence of any distinction between the fourth and current reviews and advocates that the Department take the same position that it took in the fourth review.

**Department's Position:** We agree with Goldstar. In order for the Department to allow a COS adjustment, rebates must be tied directly to CTV sales under the review period. In contrast to the fourth review, Goldstar provided rebates on a monthly basis. Therefore, the problem of widely varying rebate rates is not an issue in this review. Thus, we accepted the PSP rebate as a direct selling expense and made the appropriate changes.

**Comment 32:** Goldstar urges the Department to grant a COS adjustment for all of Goldstar's home market and U.S. warranty expenses pursuant to the Court of International Trade's holding in AOC. According to Goldstar, the Court in AOC held that a policy of refusing to make a COS adjustment for "fixed" components of home market warranty costs violates section 773(a)(4) of the Tariff Act and § 353.56(c) of the Department's regulations. Goldstar argues that for a COS adjustment to be acceptable pursuant to the AOC ruling, there need only be a *bona fide* difference in warranty expenses that bears a direct relationship to the sales under consideration. Goldstar points out that, like the plaintiff in AOC, it demonstrated that there are *bona fide* differences between warranty expenses incurred on U.S. sales and those incurred on home market sales. Moreover, Goldstar states that the warranty expenses are directly related to the warranty terms offered by Goldstar on the sales under consideration. Thus, Goldstar concludes that the Department should make a direct adjustment to USP and FMV for the full amount of the warranty expenses.

Zenith argues that reliance on AOC is premature at this time given that the remand order is not a final decision and may yet be reversed. Until the issue is finally resolved, Zenith contends that the Department should continue its longstanding policy on this issue as it did in the fourth administrative review.

**Department's Position:** We agree with Zenith. See Comment 20.

**Comment 33:** Goldstar requests that the Department conform its COS adjustments to the methodology ordered by the Court of International Trade in *Timken Co. v. United States*, 875 F.Supp. 495 (CIT 1987). In *Timken*, the court held that, in ESP sales situations, COS

adjustments for U.S. direct selling expenses should be added to FMV rather than deducted from USP. Goldstar states that these adjustments include U.S. credit, warranty, and advertising expenses. Zenith disagrees with Goldstar and urges the Department to reject Goldstar's suggestion as it did in the previous review.

**Department's Position:** We continue to disagree with Goldstar as previously indicated in the fourth administrative review (See Fourth Review, Comment 85). Our position is made pursuant to section 772(e)(2) of the Tariff Act, which states that ESP sales shall be adjusted by being reduced by the amount of "expenses generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise" (emphasis added). Since the remand undertaken pursuant to *Timken* is not yet final, it is not ripe for appeal. Accordingly, we will continue to apply our standard methodology in accordance with the statutory requirement.

**Comment 34:** Goldstar urges the Department to make a level of trade adjustment when U.S. sales to distributors are compared with home market sales to retail stores. Goldstar argues that sales at different levels of trade result in differences in selling costs for the two markets. Thus, to compare correctly home market sales and U.S. PP sales, Goldstar claims a level of trade adjustment is necessary. Moreover, Goldstar contends its level of trade adjustment claim meets the criteria set forth in *American Permac v. United States*, (703 F.Supp. 97, CIT 1988).

By contrast, petitioners argue that Goldstar has not provided adequate support for its adjustment claim. Petitioners point out that Goldstar's claim is based on costs it theoretically would have incurred if it sold CTVs in the home market at the same level of trade it claimed for U.S. sales, rather than on real costs. Zenith adds that since the Department previously determined that sales to retail stores and sales to distributors are within the same level of trade, it need not reconsider this issue.

**Department's Position:** We determined in the third and fourth reviews that "home market sales to distributors, franchise stores (dealers), department stores, and buying groups all occur at the same level of trade. This level is directly comparable to the level at which sales are made in the U.S. market" (Fourth Review, Comment 86). In the present administrative review, Goldstar has not demonstrated that a different level of trade exists.

Accordingly, our position in this review remains the same as indicated in the third and fourth administrative reviews.

**Comment 35:** Zenith contends that the Department incorrectly eliminated ESP sales within certain customer categories from the margin calculation. Zenith objects to such "filtering out" and insists that the Department include all ESP transactions in the final margin calculation. Goldstar contends that exclusion of one specific category would have no effect on the margin calculation. Moreover, for the other customer categories, Goldstar maintains that the Department should exclude such sales, just as the comment in the computer program indicates the Department intended to do.

**Department's Position:** In light of Goldstar and Zenith's comments, we reexamined our computer program and found an inadvertent omission of certain ESP sales from the margin calculation. Neither the statute nor the Department's regulations direct us to exclude sales not made in the ordinary course of trade from USP (compare 19 U.S.C. 1677b(a)(1)(A)). As is our policy, we have included all U.S. sales in the margin calculation (see Fourth Review, Comment 87).

**Comment 36:** Goldstar requests that the Department include its ESP commission expenses in the ESP cap which will be offset by the adjustment to FMV when CV is used as FMV. Zenith argues that the commission offset is limited to those situations in which allowances for commissions are made in one market, and no commission is paid in the other market under consideration (19 CFR 353.56(b)(1)). Thus, Zenith states that by including provisions for the direct deduction of commissions in both markets, the Department has adjusted for any "differences" between such commissions, and the "special rule" for single-market commissions need not be considered.

**Department's Position:** We agree with Goldstar. Since none of the home market sales used in our analysis contain home market commissions, the ESP offset is properly capped at the sum of the U.S. indirect selling expenses and U.S. commissions. We made the appropriate changes.

*Daewoo*

**Comment 37:** Daewoo, Zenith, and petitioners submitted comments concerning various mathematical, computer programming, and clerical errors in the Department's preliminary results analysis of Daewoo's response.

**Department's Position:** We have made the following corrections to the



appropriate programs in our final results calculations for Daewoo: (1) We revised the model-match computer instructions applicable to 90/60 day procedures, and two model names were corrected; (2) the commodity tax figure in the PP program was corrected; (3) home market inventory carrying costs were eliminated as a direct selling expense from the ESP program; (4) the difference in merchandise figure was corrected in the ESP program; (5) U.S. indirect selling expenses were included in the pool of all other indirect expenses; (6) the transfer price rather than the price to the first unrelated party in the United States, was used to calculate the inventory carrying costs in the U.S. market; (7) U.S. commissions in the ESP program were moved to the ESP cap since no home market commissions existed; (8) the deduction of the imputed U.S. commodity tax from USP was eliminated from the ESP program; (9) duty drawback was added to rather than deducted from USP; (10) U.S. indirect selling expenses were removed from the foreign unit price in dollars (FUPDOL) in the ESP program; (11) in the home market expense adjustment, gift rebates and cash discounts offered by the manufacturer were recalculated from a transaction-specific to a per unit basis; (12) in both the ESP and PP computer programs the home market commodity tax was added to FUPDOL in order to compare a tax-inclusive home market price with a tax-inclusive USP; (13) corrected values were used when comparing the U.S. and home market "pools" of indirect selling expenses; (14) U.S. brokerage costs were deducted from USP in ESP and PP computer programs; (15) the amount for U.S. inventory carrying costs in the ESP computer program was corrected to include the entire period that the merchandise is in transit; (16) the SG&A calculation in the below-cost analysis was corrected; and (17) the model match computer instructions were revised, eliminating all need for "secondary matches" referred to by Zenith; (18) calculation of the total value of USP for PP sales was corrected.

**Comment 38:** Petitioners claim that the Department used the incorrect interest rate when calculating U.S. credit expenses.

**Department's Position:** We disagree with petitioners. As indicated by respondent, the figure for the U.S. credit expenses was calculated and submitted to the Department as part of the comprehensive response to the original questionnaire. In that calculation Daewoo used the correct interest rate, which was then applied on a

transaction-specific basis. See submission of August 15, 1988, at 16, Annex C-8.

**Comment 39:** Petitioners request that the Department use the home market model-specific direct and indirect warranty expenses which are limited to expenses incurred within the review period. Respondent claims that all warranty and service costs claimed, whether inside or outside of the review period, were shown to be directly related to CTV sales in the review period and that this methodology was accepted in previous reviews.

**Department's Position:** We agree with petitioners. We generally use the warranty expenses incurred during the period of the review to provide the most accurate measurement of such expenses for CTVs under review. Although not all warranty expenses for such CTVs under review are captured in this expense, this method, on balance, provides a reasonable reflection of the company's warranty expense experience. Furthermore, some of the warranty expenses incurred during the review period pertain to CTVs sold prior to the review period; if we were to include expenses incurred during the period for sales made prior to the period, as well as expenses incurred after the period for sales made during the period, we would be overstating the expense adjustment. We also note that, with the exception of Daewoo, other respondents submitted only those home market warranty expenses incurred during the period of review. By using the expenses incurred during the period of review as provided by Daewoo in its supplementary response, we maintain methodological consistency across companies.

**Comment 40:** Petitioners argue that certain telephone, fuel and travel expenses should be excluded from the home market direct warranty expenses since they were incurred on the basis of all electronic product sales rather than tied directly to CTV sales.

**Department's Position:** We disagree with petitioners. Certain telephone, fuel or travel expenses are incurred by Daewoo as part of providing a warranty service to customers. These expenses were directly related to the number of service calls made. Daewoo maintains specific records for each of these expenses as they relate to after-sales warranty. Therefore, the Department has treated these expenses as direct expenses for the final results.

**Comment 41:** Petitioners claim that the Department erred by treating Daewoo's U.S. return set loss expense as an indirect selling expense and that the information pertaining to this expense

was deficient. Daewoo counters that, in the first three reviews, the Department treated this expense as indirect since the costs involving returned merchandise were not directly related to the sales under review. Daewoo notes that, should the Department treat return set loss as a direct expense in the USP calculation, it should also treat it as direct for purposes of calculating FMV.

**Department's Position:** Regarding the treatment of the return set loss as a direct selling expense, we agree with petitioners. Daewoo provides a 90-day warranty, whereby it accepts returns of defective CTVs for full credit. Therefore, we agree with petitioners that U.S. return set loss relates to specific sales under review and should be treated as a direct expense. However, we disagree with petitioners that data used in the preliminary results were deficient, as respondent provided a revised computer tape containing a corrected data set which was ultimately used in the preliminary results. We also agree with respondent that return set loss expenses should be treated as direct in the home market as well. See also Fourth Review, Comment 22.

**Comment 42:** Petitioners claim that Daewoo's submission contained typographical errors regarding certain names of the U.S. CTV models.

**Department's Position:** Our revised model match instructions eliminated all misidentifications of model names, including those referred to by petitioners.

**Comment 43:** Daewoo claims that the Department erroneously excluded from direct warranty costs in the home market the salaries and benefits of employees in the after-sales service centers.

**Department's Position:** We disagree with Daewoo. This issue was raised in the fourth review and rejected by the Department. (See Fourth Review, Comment 29.) In this review, Daewoo provided no new information that would cause us to reverse our position. In addition, we rejected similar claims made by Samsung and Goldstar. (See Comments 20 and 32.)

**Comment 44:** Daewoo requests that the Department consider inland freight charges from the factory to regional warehouses to be direct expenses in calculating the FMV. Daewoo cites the AOC decision in support of its position.

**Department's Position:** We disagree with Daewoo. In this review, we have followed our practice as stated in the final results of the previous review (See Fourth Review, Comment 30). The freight expenses from the factory to regional warehouses are incurred prior



to any sale, not as a result of a sale. Therefore, we have treated these expenses as indirect selling expenses. Further, since the AOC decision is not a final decision, we see no basis for reversing our position. We rejected a similar claim made by Samsung. See Comment 13.

**Comment 45:** In order for the Department to make an accurate comparison of costs between home market and U.S. models for the difference in merchandise adjustment, Daewoo contends that the comparison should reflect the actual costs incurred for the parts. To ensure that actual costs are determined, Daewoo argues that costs for home market models must include the defense tax and any import duties, while costs for export models must exclude such taxes and duties, since ultimately those amounts are returned to the company in the form of duty drawback. Furthermore, Daewoo states that the methodology it used to calculate the difference in merchandise adjustment was approved by the Department in the prior three administrative reviews and by the Court of International Trade (see Fourth Review, Comment 25; Second Review, Comment 116; Third Review, Comment 8; and Daewoo, 712 F.Supp. at 943).

**Department's Position:** We disagree with Daewoo. The difference in merchandise adjustment should be calculated on a duty-included basis for both home market (domestic) and export models. In the second administrative review cited by Daewoo, we agreed with respondent that "duties should be left in the production costs of both markets" (emphasis added; Second Review, Comment 116). Furthermore, we note that the issue in Daewoo was whether the physical difference in merchandise adjustment should be calculated on a duty-excluded or duty-included basis. In that case, we requested a remand to correct the adjustment in order to make it consistent with the prevailing administrative practice. The Court remanded our determination for "consideration of this adjustment on a duty-included basis" (emphasis added; 712 F.Supp. at 942). Thus, the Court did not contend that the difference in merchandise adjustment should be calculated on a duty-excluded basis for export models and a duty-included basis for domestic models.

Furthermore, we adjust for rebated duties and taxes in our duty drawback adjustment. Allowing such amounts to be deducted a second time in the

difference in merchandise adjustment would result in a double deduction for those amounts. More significantly, the difference in merchandise adjustment is limited to the physical differences in domestic and export models. Thus, identical articles, taxed differently by virtue of the markets they enter, do not constitute physically different merchandise and should not enter into our adjustment for physical differences in merchandise. Accordingly, we calculated Daewoo's difference in merchandise adjustment on a duty-included basis for both domestic and export models.

**Comment 46:** Zenith complains that, unlike Daewoo, its ability to participate meaningfully in the proceeding is hindered by the fact that it does not have sufficient access to previously used computer programs which it must return upon completion of each administrative review. Consequently, it asks the Department to generate "public version" computer programs, so it can use them for subsequent annual reviews. Daewoo requests that, in light of potential "clerical errors," computer programs (but not the actual results) used to generate final results should be made available to all participating parties prior to publication of the final review notice.

**Department's Position:** We disagree with both Zenith and Daewoo. Under its administrative protective order, Zenith has the ability to evaluate or, like Daewoo, "hire outside consultants" to analyze a response. We also deny Daewoo's request for a review of "final" computer programs in advance of the final notice since under the Department's regulations, it has the right to request computer or clerical corrections subsequent to publication (see 19 CFR 353.28).

#### Quantronics

**Comment 47:** Quantronics requests that, pursuant to the Department's regulations, third country prices should be used in preference to CVs as the basis for establishing FMV.

**Department's Position:** We agree with Quantronics. The Department's regulations state "[t]he Secretary normally will prefer FMV based on sales to a third country rather than on constructed value." (See 19 CFR 353.48(b).) Quantronics provided viable third country sales values. Consequently, we replaced CVs with third country sales when such sales were contemporaneous with sales made to the United States.

#### Final Results of the Review

As a result of comments received and the correction of certain clerical errors, we have revised our preliminary results for Samsung, Goldstar, Daewoo, and Quantronics, and we determined the margins to be:

Manufacturer/ exporter	Period	Margin (percent)
Daewoo Corp. ....	04/01/87-03/31/88	1.64
Goldstar Co. ....	04/01/87-03/31/88	3.79
Quantronics Manufacturing Korea, Ltd. ....	04/01/87-03/31/88	3.63
Samsung Co. ....	04/01/87-03/31/88	0.11

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions directly to the Customs Service.

Further, as provided by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the most recent of the above margins for each firm shall be required. Since the margin for Samsung is *de minimis*, the Department shall not require a cash deposit of estimated antidumping duties on entries from that firm.

For any entries of this merchandise from a new exporter, whose first shipment occurred on or after April 1, 1988, and which is unrelated to any reviewed firm or any previously reviewed firm, a cash deposit of 3.79 percent shall be required. These cash deposit requirements are effective for all shipments of CTVs from the Republic of Korea, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and will remain in effect until the final results of the next administrative review.

This administrative review and notice are in accordance with section 75(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22 (1990).

Dated: March 15, 1991.

Marjorie A. Chorlins,  
Acting Assistant Secretary for Import  
Administration.

[FR Doc. 91-7168 Filed 3-26-91; 8:45 am]

BILLING CODE 3510-DS-M



**DEPARTMENT OF DEFENSE****Office of the Secretary****Defense Base Closure and Realignment Commission**

**ACTION:** Establishment of the Defense Base Closure and Realignment Commission.

**SUMMARY:** Under the provisions of Public Law 92-463, the "Federal Advisory Committee Act," notice is hereby given that the Defense Base Closure and Realignment Commission is being established, pursuant to title XXIX, Public Law 101-510, the "National Defense Authorization Act for Fiscal Year 1991."

The Presidential Commission will review recommendations made by the Secretary of Defense regarding base closures and realignments for the time periods and by the dates set down in the Authorization Act. The Commission will transmit a report of its findings and conclusions to the President, based upon a review and analysis of the Defense Secretary's recommendations for closures and realignments of military installations in the United States.

The membership of the Presidential Commission will be composed of experts from both the public and private sectors. Careful efforts will be made to achieve a balanced membership in terms of the functions to be performed in determining the bases to be closed and/or realigned, as well as the overall impact on the interest groups affected.

The initial meeting of the Defense Base Closure and Realignment Commission will be held on March 28, 1991 at 2 p.m. at the Presidential Commission office at 1625 K Street, NW., suite 400, Washington, DC. The meeting will be concerned primarily with establishing the internal rules, procedures and organizational arrangements necessary for reviewing the base closure and realignment recommendations. Due to unforeseen delays involved in the nomination and approval of Commission members, it has become necessary to announce the first meeting with less than the desired 15-day notice called for in the General Services Administration Final Rule (41 CFR 101-6.1015). It is critically urgent that the Commission begin its important tasks in a timely manner in order to meet the objectives of the criteria set down in the Authorization Act.

For further information, contact the Defense Base Closure and Realignment

Commission, telephone: 202-653-0823.

Dated: March 25, 1991.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-7351 Filed 3-26-91; 8:45 am]

BILLING CODE 3810-01-M

**Defense Intelligence College Board of Visitors; Meeting**

**AGENCY:** Defense Intelligence Agency Defense Intelligence College, DOD.

**ACTION:** Notice of closed meeting.

**SUMMARY:** Pursuant to the provisions of subsection (d) of section 10 of Public Law 92-463, as amended by section 5 of Public Law 94-409, notice is hereby given that a closed meeting of the DIA Defense Intelligence College Board of Visitors has been scheduled as follows:

**DATES:** Monday, 15 April 1991, and Tuesday, 16 April 1991, 0900 to 1615, and Wednesday, 17 April 1991, from 0900 to 1130.

**ADDRESSES:** The DIAC, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

General Charles J. Cunningham, Jr., Lieutenant General, USAF (Ret), Commandant, DIA Defense Intelligence College, Washington, DC 20340-5485 (202/373-3344).

**SUPPLEMENTARY INFORMATION:** The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the Defense Intelligence College.

Defense Intelligence College.

Dated: March 20, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-7154 Filed 3-26-91; 8:45 am]

BILLING CODE 3810-01-M

**Defense Advisory Committee on Women in the Services; Meeting**

**AGENCY:** Defense Advisory Committee on Women in the Services (DACOWITS), DoD.

**ACTION:** Notice of conference.

**SUMMARY:** Pursuant to Public Law 92-463, notice is hereby given of a forthcoming conference of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of

DACOWITS is to assist the Secretary of Defense on matters relating to women in the Services. The Committee meets semiannually.

**DATES:** April 20-24, 1991 (Summarized agenda follows).

**ADDRESSES:** Radisson Mark Plaza Hotel, 5000 Seminary Road, Alexandria, Virginia, unless otherwise noted in agenda.

**Agenda:** Sessions will be conducted daily and will be open to the public. The agenda will include the following:

**Saturday, April 20, 1991, 8:30 a.m.-5:00 p.m.**

For DACOWITS 1991 Appointees only: Conference registration; Orientation briefing on the DACOWITS; Subcommittee orientations; Army, Navy, Marine Corps, Air Force, and Coast Guard orientations.

**Sunday, April 21, 1991, 8:00 a.m.-8:30 p.m.**

Conference registration; Office of the Secretary of Defense (OSD) Overview; Sexual Harassment briefing; DoD Studies on Child Care; DoD Task Force on Women's Uniforms; Get-Acquainted Luncheon (current DACOWITS members, military representatives, legal advisors, and liaison officers only); and Subcommittee Sessions. Following the Subcommittee Sessions, Social and Battle Colors Ceremony at the Marine Barracks, Washington, DC.

**Monday, April 22, 1991, 8:15 a.m.-10:00 p.m.**

Women Midshipmen Study Group-90 briefing; Official Opening Ceremony in Pentagon Auditorium, Room 5A1070 (board buses at hotel 9:30 a.m.; ceremony begins at 10:30 a.m.); OSD Luncheon; Subcommittee Sessions; and OSD Reception and Dinner (by invitation only).

**Tuesday, April 23, 1991, 8:00 a.m.-5:00 p.m.**

Field trip to Marine Corps Base, Quantico, and Executive Committee Mark-up.

**Wednesday, April 24, 1991, 7:30 a.m.-12:30 p.m.**

No-host Breakfast (current DACOWITS members only); Individual Review of Resolutions; Presentations by members of the public; General Business Session.

**FOR FURTHER INFORMATION CONTACT:**

Major Terrill, Assistant Director, DACOWITS and Military Women Matters, OASD (Force Management and Personnel), The Pentagon, Room 3D769.



Washington, DC 20301-4000; telephone (703) 697-2122.

**SUPPLEMENTARY INFORMATION:** The following rules and regulations will govern the participation by members of the public at the conference.

(1) Members of the public will not be permitted to attend official OSD luncheon or reception and dinner.

(2) All business sessions, to include the Executive Committee meetings, will be open to the public.

(3) Interested persons may submit a written statement for consideration by the Committee and/or make an oral presentation of such during the conference.

(4) Persons desiring to make oral presentation or submit a written statement to the Committee must notify the point of contact listed above no later than April 5.

(5) Length and number of oral presentations to be made will depend on the number of requests received from the members of the public.

(6) Oral presentation by members of the public will be permitted only on Wednesday, April 24, before the full Committee.

(7) Each person desiring to make an oral presentation must provide the DACOWITS office 1 copy of the presentation by April 5 and make available 150 copies of any material that is intended for distribution at the conference.

(8) Persons submitting a written statement for inclusion in the minutes of the conference must submit to the DACOWITS staff one copy either before or by the close of the conference.

(9) Other new items from members of the public may be presented in writing to any DACOWITS member for transmittal to the DACOWITS Chair or Director, DACOWITS and Military Women Matters, to consider.

(10) Members of the public will not be permitted to enter into oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the Committee.

(11) Members of the public will be permitted to orally question the scheduled speakers if recognized by the Chair and if time allows after the official participants have asked questions and/or made comments.

(12) Questions from the public will not be accepted during the Subcommittee Sessions, the Executive Committee meetings, or the Business Session on Wednesday, April 24.

Dated: March 20, 1991.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 91-7153 Filed 3-26-91; 8:45 am]

BILLING CODE 3810-01-M

## Department of the Air Force

### Privacy Act of 1974; Amend Privacy Act Record Systems

**AGENCY:** Department of the Air Force, DoD.

**ACTION:** Amend Privacy Act record systems.

**SUMMARY:** The Department of the Air Force proposes to amend two record systems in its inventory of records systems notices subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

**DATES:** Actions will be effective April 26, 1991, unless comments are received which result in a contrary determination.

**ADDRESSES:** Send any comments to Mrs. Anne Turner, SAF/AAIA, The Pentagon, Washington, DC 20330-1000. Telephone (202) 697-3491 or Autovon 227-3491.

**SUPPLEMENTARY INFORMATION:** The Department of the Air Force record systems notices subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a), have been published in the Federal Register as follows:

50 FR 22332, May 29, 1985 (DoD Compilation, changes follow)

50 FR 24672, Jun. 12, 1985

50 FR 25737, Jun. 21, 1985

50 FR 46477, Nov. 8, 1985

50 FR 50337, Dec. 10, 1985

51 FR 4531, Feb. 5, 1986

51 FR 7317, Mar. 5, 1986

51 FR 16735, May 6, 1986

51 FR 18927, May 23, 1986

51 FR 41382, Nov. 14, 1986

51 FR 44332, Dec. 9, 1986

52 FR 11845, Apr. 13, 1987

53 FR 24354, Jun. 28, 1988

53 FR 45800, Nov. 14, 1988

53 FR 50072, Dec. 13, 1988

53 FR 51301, Dec. 21, 1988

54 FR 10034, Mar. 9, 1989

54 FR 43450, Oct. 25, 1989

54 FR 47550, Nov. 15, 1989

55 FR 21770, May 29, 1990

55 FR 21900, May 30, 1990 (Air Force Address Directory)

55 FR 27868, Jul. 6, 1990

55 FR 28427, Jul. 11, 1990

55 FR 34310, Aug. 22, 1990

55 FR 38126, Sep. 17, 1990

55 FR 42370, Oct. 19, 1990

55 FR 42625, Oct. 22, 1990

55 FR 42829, Oct. 22, 1990

55 FR 52072, Dec. 19, 1990

The amended systems are not within the purview of subsection (r) of the Privacy Act, as amended (5 U.S.C. 552a)

which requires the submission of an altered system report. The specific changes to the records systems being amended are set forth below, followed by the system notices, as amended, published in their entirety.

Dated: March 20, 1991.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

F035 AF MP L

**SYSTEM NAME:**

F035 AF MP L—Unfavorable Information Files (UIF) (55 FR 52075, December 19, 1990).

**CHANGES:**

\* \* \* \* \*

**SYSTEM LOCATION:**

In first sentence following (CBPO) add, "and in Orderly Rooms with Personnel Concept Three (PC III) capability."

\* \* \* \* \*

**STORAGE:**

Add "and in computers and on computer output products." to the end of entry.

\* \* \* \* \*

**SAFEGUARDS:**

Add a new last sentence to the entry "Computer records are protected by computer software."

**RETENTION AND DISPOSAL:**

Add "Computer records are destroyed by degaussing or overwriting." to the end of the entry.

\* \* \* \* \*

**NOTIFICATION PROCEDURE:**

Add "or to the Orderly Room at bases with PC III capability." to the end of the third sentence.

**RECORD ACCESS PROCEDURES:**

Add "or to the Orderly Room at bases with PC III capability." to the end of the first sentence.

\* \* \* \* \*

F035 AF MP L

**SYSTEM NAME:**

F035 AF MP L—Unfavorable Information Files (UIF).

**SYSTEM LOCATION:**

Complete UIFs are maintained in Consolidated Base Personnel Offices (CBPO), and in Orderly Rooms with Personnel Concept Three (PC III) capability. UIF summary sheets, a part of the UIF, are also maintained at



Individual's unit of assignment (commander's copy); geographically separated units not co-located with a servicing CBPO; major commands of assignment for officers only, and at Headquarters Air Force Military Personnel Center (DPMOC), Randolph Air Force Base, TX 78150-6001, for colonels and colonel selectees. Official mailing addresses are published as an appendix to the Air Force compilation of record system notices.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel who are the subject of an UIF.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Derogatory correspondence determined as mandatory for file or as appropriate for file by an individual's commander. Examples include written admonitions or reprimands; court-martial orders; letters of indebtedness, or control roster correspondence.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 35-32, The Air Force Unfavorable Information File Program.

#### PURPOSE(S):

Reviewed by commanders and personnel officials to assure appropriate assignment, promotion and reenlistment considerations prior to effecting such actions. UIFs also provide information necessary to support administrative separation when further rehabilitation efforts would not be considered effective.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Maintained in visible file binders/cabinets and in computers and on computer output products.

##### RETRIEVABILITY:

Retrieved by name.

##### SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record

system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms. Computer records are protected by computer software.

#### RETENTION AND DISPOSAL:

UIFs are maintained for one year from the date of the most recent correspondence, except when the file contains documentation pertaining to Articles 15, Court-Martial or certain civil court convictions, in which case the retention period is two years from the date of that correspondence. Files are automatically destroyed upon separation or retirement, and on an individual basis when the individual's commander so determines. Destroy by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting.

#### SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Personnel, Randolph AFB, TX 78150-6001.

#### NOTIFICATION PROCEDURE:

Personnel for whom optional UIFs exist are routinely notified of the existence of a file. In all cases personnel have had the opportunity or are authorized to rebut the correspondence in the file.

Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to the Assistant Deputy Chief of Staff/Personnel, Randolph AFB, TX 78150-6001, servicing CBPO, or to the Orderly Room at bases with PC III capability. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Assistant Deputy Chief of Staff/Personnel, Randolph AFB, TX 78150-6001, the servicing CBPO, or to the Orderly Room at bases with PC III capability. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

#### CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12-35; 32 CFR part 806b; or may be obtained from the System Manager.

#### RECORD SOURCE CATEGORIES:

Supervisory reports or censures and documented records of poor performance or conduct.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

#### F215 AF DP A

#### SYSTEM NAME:

F215 AF DP A—Child Development/Youth Activities Records, (55 FR 38128, September 17, 1990).

#### CHANGES:

\* \* \* \* \*

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Add "and Family Day Care (FDC) Providers" to the end of the entry.

\* \* \* \* \*

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Add a new paragraph "With written consent of the FDC Provider, the home address and home telephone number of FDC Provider may be disclosed to prospective customers upon request."

\* \* \* \* \*

#### RETRIEVABILITY:

Delete entry and replace with "Retrieved by family name or FDC Provider's name"

\* \* \* \* \*

#### F215 AF DP A

#### SYSTEM NAME:

F215 AF DP A—Child Development/Youth Activities Records.

#### SYSTEM LOCATION:

Headquarters Air Force Military Personnel Center, Directorate of Morale and Welfare Operations (HQ AFMPC/DPMS), Randolph Air Force Base, Texas 78150-6001, major command headquarters, and each Air Force installation with Child Development/Youth Activities programs. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible children and youths enrolled in Air Force Child Development or Youth Activities programs, their parents/guardians, and Family Day Care (FDC) Providers.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment/registration records; record of injuries; medication



permission records; permanent register; staff and child record; weekly activity plans; incident reports; annual and semiannual program reports; parents/guardians and program surveys; parents/guardians authorization for testing/field trips; student progress reports; test results; forwarding of school records; daily reservation logs; daily attendance records, and volunteers applications. The system will also contain FDC Providers' license application; license, and home approval records.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 8013, Secretary of the Air Force; Powers and Duties; delegation by; implemented by Air Force Regulations 215-27, Child Development Program, and 215-23, Youth Activities.

#### **PURPOSE(S):**

Used by child development and youth activities personnel to enroll children/youths in the child development/youth activities programs; locate parents/guardians in case of emergency; monitor and properly report injuries and accidents; receive documentation and permission to dispense medications; record and monitor staff-to-child ratio; report program participation and activities; report financial data; assess program needs; enroll and license FDC Providers; record, reserve, and monitor daily attendance; and maintain information for waiting lists.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Records from this system may be disclosed to civilian physicians or hospitals in the course of obtaining emergency medical attention for children.

With written consent of the FDC Provider, home address and home telephone number of the FDC Provider may be disclosed to prospective customers upon request.

The "Blanket Routine Uses" published at the beginning of the Department of the Air Force's compilation of record system notices apply to this system.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Paper and card stock records maintained in file folders. Data will also be maintained in computer files.

##### **RETRIEVABILITY:**

Retrieved by family name or FDC Providers' name.

#### **SAFEGUARDS:**

Records are maintained in locked file cabinets, locked desk drawers or locked offices. Computers and disks will be stored in locked cabinets or locked rooms. Records are accessed by the program directors, assistant directors, family day care coordinators/out-reach workers and clerks/administrative personnel responsible for servicing the records in performance of their official duties who are properly screened and cleared for need-to-know.

#### **RETENTION AND DISPOSAL:**

Retained in office files for one year after child/youth leaves program or until parent/FDC provider requests transfer of records to another base, whichever comes first. In the event the records are not transferred, they will be destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by erasing, deleting or overwriting.

#### **SYSTEM MANAGER(S) AND ADDRESS:**

HQ AFMPC/DPMS, Randolph Air Force Base, TX 78150-6001 and Child Development/Youth Activities Directors at Air Force installations with Child Development/Youth Activities programs. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

#### **NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information on them should address inquiries to, or visit the HQ AFMPC/DPMS, Randolph Air Force Base, TX 78150-6001 and Child Development/Youth Activities Directors at Air Force installations with Child Development/Youth Activities programs. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

The full name of the person/provider will be required to determine if the system contains a record about him or her. A military identification card or drivers license will be required as proof of identity.

#### **RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves contained in this system should address requests to the HQ AFMPC/DPMS, Randolph Air Force Base, TX 78150-6001 and Child Development/Youth Activities Directors at Air Force installations with Child Development/Youth Activities programs. Official mailing addresses are published as an appendix to the Air

Force's compilation of record system notices.

A military identification card or drivers license will be required as proof of identity.

#### **CONTESTING RECORD PROCEDURES:**

The Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12-35; 32 CFR part 806b; or may be obtained from the system manager.

#### **RECORD SOURCE CATEGORIES:**

Information obtained from parents, volunteers, FDC applicants, and documentation by authorized child development and/or youth activities personnel.

#### **EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 91-7152 Filed 3-26-91; 8:45 am]

BILLING CODE 3810-01-M

#### **Department of the Army**

#### **CONUS Automated Rate System (CARTS); Proposed Changes**

**AGENCY:** Military Traffic Management Command, DOD.

**ACTION:** Notice.

**SUMMARY:** The Military Traffic Management Command (MTMC) is proposing changes to the CONUS Automated Rate System (CARTS). This system is the method by which interstate household goods rates are procured for the Department of Defense (DOD).

**EFFECTIVE DATE:** May 28, 1990.

#### **FOR FURTHER INFORMATION CONTACT:**

Mrs. Janet Neimer, Military Traffic Management Command, Attn: MTPP-CD, room 408, 5611 Columbia Pike, Falls Church, VA 22041-5050, telephone: (703) 756-1190.

**SUPPLEMENTARY INFORMATION:** The current CARTS program has two volumes each year. One cycle is effective May 1 thru October 31, and the other becomes effective November 1 thru 30 April. Each volume contains a number of filing cycles.

The initial filing cycle provides carriers maximum flexibility to establish the specific, compensatory rates at which they desire to move personal property shipments from any origin personal property shipping office (PPSO) to any destination state. In addition, to the initial filing cycle, carriers may



change, correct, or add rates under two separate rate submission procedures.

Once the initial filing cycle is completed, carriers have the opportunity to review rates filed by other carriers. The me-too filing cycle provides carriers with the opportunity to precisely adjust their rates to the lower rates of other carriers established during the initial filing cycle.

In addition, there are four Letter of Intent-Cancellation (L/C) cycles. These cycles provide carriers newly approved at an installation to precisely meet the rates of other carriers and provide carriers with the opportunity to cancel existing rates.

#### Proposed Changes

The me-too cycle contains an additional and correction cycle called the M/T-B cycle. It is recommended that this part of the me-too cycle be eliminated. The rates would be forwarded to the personal property chipping offices sooner and carriers would have the total picture of rates filed for their individual shipment planning.

It is also recommended that the fourth L/C cycle be eliminated. There are very few cancellations by carriers during this cycle and the administrative costs far outweigh the benefits to the Government. Three L/C cycles should be sufficient for new carrier filings and rate cancellations.

**Kenneth L. Denton,**

*Alternate Army Federal Register Liaison Officer.*

[FR Doc. 91-7207 Filed 3-26-91; 8:45 am]

BILLING CODE 3710-06-M

#### Defense Investigative Service

##### Privacy Act of 1974; Deletions and Amendments to Systems of Records Notices

**AGENCY:** Defense Investigative Service, DOD.

**ACTION:** Deletions and amendments to systems of records.

**SUMMARY:** The Defense Investigative Service proposes to delete three and amend three record system notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The specific changes to the notices being amended are set forth below followed by the system notices, as amended, published in their entirety.

**DATES:** The proposed actions will be effective April 26, 1991, unless comments are received that would result in a contrary determination.

**ADDRESSES:** Send comments to Mr. Dale Hartig, Chief Office of Information and Public Affairs, Defense Investigative Service, 1900 Half Street, SW, Room 6115, Washington, DC 20324-1700. Telephone (202) 475-1062.

**SUPPLEMENTARY INFORMATION:** The complete Defense Investigative Service systems of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, has been published in the *Federal Register* at—  
50 FR 22943, May 29, 1985 (DoD Compilation, changes follow)  
55 FR 22390, Jun. 1, 1990

The amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), which requires the submission of altered systems reports.

Dated: March 20, 1991.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

#### Deletions

##### V4-02

##### SYSTEM NAME:

V4-02 Optional Personnel Management Records (OPMR), (50 FR 22947, May 29, 1985).

##### REASON:

This system is being incorporated into V4-01 Personnel Records.

##### V4-05

##### SYSTEM NAME:

V4-05 Military Personnel Management Information System (MILPERS), (50 FR 22948, May 29, 1985).

##### REASON:

The system has been discontinued.

##### V4-10

##### SYSTEM NAME:

V4-10 Incentive Awards, (50 FR 22951, May 29, 1985).

##### REASON:

This system is being incorporated into V4-06 Federal Personnel Management System.

#### AMENDMENTS

##### V4-01

##### SYSTEM NAME:

Civilian Employee Personnel Records.

##### CHANGES:

##### SYSTEM NAME:

Delete "Civilian Employee."

#### SYSTEM LOCATION:

Delete entry and replace with "The system is maintained at the following locations:

Defense Investigative Service Headquarters, Personnel Office, 1900 Half Street, SW Washington, DC 20324-1700.

Defense Investigative Service, Personnel Investigations Center Personnel Office, P.O. Box 12211, Baltimore, MD 21203-1211.

Defense Investigative Service, Defense Industrial Security Clearance Office Personnel Office, P.O. Box 2499, Columbus, OH 43216-2499.

Defense Investigative Service, New England Region Personnel Office, 495 Summer Street, Boston, MA 02210-2192.

Defense Investigative Service, Mid-Atlantic Region, Personnel Office, 1040 Kings Highway North, Cherry Hill, NJ 08034-1908.

Defense Investigative Service, Capital Region Personnel Office, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331-1000.

Defense Investigative Service, Mid-Western Region Personnel Office, 610 South Canal Street, Room 908, Chicago, IL 60607-4577.

Defense Investigative Service, Southeastern Region Personnel Office, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080-7606.

Defense Investigative Service, Southwestern Region Personnel Office, 106 Decker Court, Suite 200, Irving, TX 75062-2795.

Defense Investigative Service, Northwestern Region Personnel Office, Building 35, Room 114, The Presidio, San Francisco, CA 94129-7700.

Defense Investigative Service, Pacific Region Personnel Office, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807-4013.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete "Civilian" in the first line.

\* \* \* \* \*

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "Federal Personnel Manual, 5 U.S.C. 301 and Executive Order 9397."

#### PURPOSE:

At beginning of first line add "To document an".

\* \* \* \* \*

#### STORAGE:

Delete "5 x 8 cards in card file drawers" and add "and automated systems" to the end of the entry.



**RETRIEVABILITY:**

Add "and electronically by Social Security Number."

**SAFEGUARDS:**

Delete the first sentence.

**SYSTEM MANAGER(S) AND ADDRESS(ES):**

Delete entry and replace with "Defense Investigative Service, Deputy Director (Resources), 1900 Half Street, SW, Washington, DC 20324-1700."

**NOTIFICATION PROCEDURE:**

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211."

**RECORD ACCESS PROCEDURES:**

Delete entry and replace with "Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211."

A request for information must contain the full name, and Social Security number of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act office."

**CONTESTING RECORD PROCEDURES:**

Delete entry and replace with "The Defense Investigative Service rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28-4, Access to and Maintenance of DIS Personal Records; 32 CFR part 298a; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700."

**RECORD SOURCE CATEGORIES:**

On lines two and three, delete "U.S. Veterans Administration" and substitute "Department of Veterans Affairs." On lines three and four, delete "DIS Personnel and Security Directorate" and substitute "DIS Resources Directorate." On lines five and six, change "DIS Security Division" to read "DIS Office of Security."

**V4-01****SYSTEM NAME:**

Personnel Records.

**SYSTEM LOCATION:**

The system is maintained at the following locations:

Defense Investigative Service Headquarters, Personnel Office, 1900 Half Street, SW Washington, DC 20324-1700.

Defense Investigative Service, Personnel Investigations Center Personnel Office, P.O. Box 12211, Baltimore, MD 21203-1211.

Defense Investigative Service, Defense Industrial Security Clearance Office Personnel Office, P.O. Box 2499, Columbus, OH 43216-2499.

Defense Investigative Service, New England Region Personnel Office, 495 Summer Street, Boston, MA 02210-2192.

Defense Investigative Service, Mid-Atlantic Region, Personnel Office, 1040 Kings Highway North, Cherry Hill, NJ 08034-1908.

Defense Investigative Service, Capital Region Personnel Office, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331-1000.

Defense Investigative Service, Mid-Western Region Personnel Office, 610 South Canal Street, Room 908, Chicago, IL 60607-4577.

Defense Investigative Service, Southeastern Region Personnel Office, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080-7606.

Defense Investigative Service, Southwestern Region Personnel Office, 106 Decker Court, Suite 200, Irving, TX 75062-2795.

Defense Investigative Service, Northwestern Region Personnel Office, Building 35, Room 114, The Presidio, San Francisco, CA 94129-7700.

Defense Investigative Service, Pacific Region Personnel Office, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807-4013.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of the Defense Investigative Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Permanent and temporary records pertaining to the individual's employment.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Personnel Manual, 5 U.S.C. 301 and Executive Order 9397.

**PURPOSE(S):**

To document an individual's employment history, disclosure for

verification of personnel information, details of employee qualification or eligibility for proposed personnel actions or new employment.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The "Blanket Routine Uses" published at the beginning of DIS's compilation of record system notices apply to this record system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records in file folders and automated system.

**RETRIEVABILITY:**

Alphabetically by last name of employee and electronically by Social Security number.

**SAFEGUARDS:**

Records are maintained in locked file cabinets accessible only to authorized personnel who are properly screened, cleared and trained.

**RETENTION AND DISPOSAL:**

Records are both permanent and temporary. Permanent records are transferred to the National Personnel Records Center, Street. Louis, MO, when no longer required by the agency. Temporary records are destroyed when the person leaves the agency or when utility of the record is no longer significant.

**SYSTEM MANAGER(S) AND ADDRESS(ES):**

Defense Investigative Service, Deputy Director (Resources), 1900 Half Street, SW, Washington, DC 20324-1700.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211.

A request must contain the full name and Social Security Number of the subject individual.

Personal visits will require a valid driver's license or other picture



identification and are limited to the Privacy Act office.

#### CONTESTING RECORD PROCEDURES:

The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28-4, Access to and Maintenance of DIS Personal Records; 32 CFR part 298a; or may be obtained from the Defense Investigative Service, Information and Public Affairs Office, 1900 Half Street, SW, Washington, DC 20324-1700.

#### RECORD SOURCE CATEGORIES:

Previous employers, references, supervisors, Department of Veterans Affairs, Office of Personnel Management, DIS Resources Directorate, DIS Office of Security, other federal agencies.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

#### V4-04

#### SYSTEM NAME:

Civilian Applicant Records.

#### CHANGES:

#### SYSTEM NAME:

Delete "Civilian."

#### SYSTEM LOCATION:

Delete entry and replace with "Primary system is located at Defense Investigative Service, Deputy Director (Resources), 1900 Half Street, SW, Washington, DC 20324-1700.

Decentralized segments are located at the Defense Investigative Service Headquarters, Personnel Office, 1900 Half Street, SW Washington, DC 20324-1700.

Defense Investigative Service, Personnel Investigations Center Personnel Office, P.O. Box 12211, Baltimore, MD 21203-1211.

Defense Investigative Service, Defense Industrial Security Clearance Office Personnel Office, P.O. Box 2499, Columbus, OH 43216-2499.

Defense Investigative Service, New England Region Personnel Office, 495 Summer Street, Boston, MA 02210-2192.

Defense Investigative Service, Mid-Atlantic Region, Personnel Office, 1040 Kings Highway North, Cherry Hill, NJ 08034-1908.

Defense Investigative Service, Capital Region Personnel Office, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331-1000.

Defense Investigative Service, Mid-Western Region Personnel Office, 610 South Canal Street, Room 908, Chicago, IL 60607-4577.

Defense Investigative Service, Southeastern Region Personnel Office, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080-7606.

Defense Investigative Service, Southwestern Region Personnel Office, 106 Decker Court, Suite 200, Irving, TX 75062-2795.

Defense Investigative Service, Northwestern Region Personnel Office, Building 35, Room 114, The Presidio, San Francisco, CA 94129-7700.

Defense Investigative Service, Pacific Region Personnel Office, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807-4013.

#### PURPOSES:

On first line insert "unsolicited" before "applicants" and add "of information submitted" to the end of the entry.

#### RETRIEVABILITY:

In line 2, delete "application" and insert "applicant".

#### SAFEGUARDS:

Delete the first sentence.

#### RETENTION AND DISPOSAL:

In the first line place a period after the word "temporary" and replace the rest of the entry with "Applications of those not interviewed are returned to the applicants. All other records are destroyed two years after the last action."

#### SYSTEM MANAGER AND ADDRESS:

Delete entry and replace with "Defense Investigative Service, Deputy Director (Resources), 1900 Half Street, SW, Washington, DC 20324-1700.

#### NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700."

#### RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to information about themselves contained in this record system should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211.

A request for information must contain the full name and Social

Security Number of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office."

#### V4-04

#### SYSTEM NAME:

Applicant Records.

#### SYSTEM LOCATION:

Primary system is located at Defense Investigative Service, Deputy Director (Resources), 1900 Half Street, SW, Washington, DC 20324-1700.

Decentralized segments are located at the Defense Investigative Service Headquarters, Personnel Office, 1900 Half Street, SW Washington, DC 20324-1700.

Defense Investigative Service, Personnel Investigations Center Personnel Office, P.O. Box 12211, Baltimore, MD 21203-1211.

Defense Investigative Service, Defense Industrial Security Clearance Office Personnel Office, P.O. Box 2499, Columbus, OH 43216-2499.

Defense Investigative Service, New England Region Personnel Office, 495 Summer Street, Boston, MA 02210-2192.

Defense Investigative Service, Mid-Atlantic Region, Personnel Office, 1040 Kings Highway North, Cherry Hill, NJ 08034-1908.

Defense Investigative Service, Capital Region Personnel Office, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331-1000.

Defense Investigative Service, Mid-Western Region Personnel Office, 610 South Canal Street, Room 908, Chicago, IL 60607-4577.

Defense Investigative Service, Southeastern Region Personnel Office, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080-7606.

Defense Investigative Service, Southwestern Region Personnel Office, 106 Decker Court, Suite 200, Irving, TX 75062-2795.

Defense Investigative Service, Northwestern Region Personnel Office, Building 35, Room 114, The Presidio, San Francisco, CA 94129-7700.

Defense Investigative Service, Pacific Region Personnel Office, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807-4013.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for positions with the Defense Investigative Service.



**CATEGORIES OF RECORDS IN THE SYSTEM:**

Temporary record of applicants' stated interest in and/or qualifications for employment.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

FPM Chapters 332 and 333, and 5 U.S.C. 301.

**PURPOSE(S):**

Identification of unsolicited applicants and determination of eligibility for positions with DIS; disclosure to other agencies for verification of information submitted.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The "Blanket Routine Uses" that appear at the beginning of DIS's compilation of record system notices apply to this record system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records in files, loose-leaf binders, paper files of 3x5 cards.

**RETRIEVABILITY:**

Filed by type of position for which the applicant applied, or alphabetically by last name of applicant, or numerically by sequential control number.

**SAFEGUARDS:**

Records are maintained in files accessible only to authorized personnel who are properly screened, cleared, and trained.

**RETENTION AND DISPOSAL:**

Records are temporary. Applications of those not interviewed are returned to the applicants. All other records are destroyed two years after the last action.

**SYSTEM MANAGER(S) AND ADDRESS(ES):**

Defense Investigative Service, Deputy Director (Resources), 1900 Half Street SW, Washington, DC 20324-1700.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this record system should address written inquiries to the Defense

Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211. A request for information must contain the full name and Social Security Number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office.

**CONTESTING RECORD PROCEDURES:**

The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28-4, Access to and Maintenance of DIS Personal Records; 32 CFR part 298a; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700.

**RECORD SOURCE CATEGORIES:**

Personnel officers, personnel clerks, and personnel specialists of DIS and the Office of Personnel Management; the subject individual.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**V4-06****SYSTEM NAME:**

Civilian Personnel Management Information System (CPMIS) Changes:

**SYSTEM NAME:**

Delete entry and replace with "Federal Personnel Management System (FPMS)"

**SYSTEM LOCATION:**

On second line, delete "Information Service Division" and substitute "National Computer Center."

Decentralized segments are located at the Defense Investigative Service Headquarters, Personnel Office, 1900 Half Street, SW, Washington, DC 20324-1700.

Defense Investigative Service, Personnel Investigations Center Personnel Office, P.O. Box 12211, Baltimore, MD 21203-1211.

Defense Investigative Service, Defense Industrial Security Clearance Office Personnel Office, P.O. Box 2499, Columbus, OH 43216-2499.

Defense Investigative Service, New England Region Personnel Office, 495 Summer Street, Boston, MA 02210-2192.

Defense Investigative Service, Mid-Atlantic Region, Personnel Office, 1040 Kings Highway North, Cherry Hill, NJ 08034-1908.

Defense Investigative Service, Capital Region Personnel Office, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331-1000.

Defense Investigative Service, Mid-Western Region Personnel Office, 610 South Canal Street, Room 908, Chicago, IL 60607-4577.

Defense Investigative Service, Southeastern Region Personnel Office, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080-7606.

Defense Investigative Service, Southwestern Region Personnel Office, 106 Decker Court, Suite 200, Irving, TX 75062-2795.

Defense Investigative Service, Northwestern Region Personnel Office, Building 35, Room 114, The Presidio, San Francisco, CA 94129-7700.

Defense Investigative Service, Pacific Region Personnel Office, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807-4013.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Delete "Civilian" in the first line.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

In second line replace "special qualifications" with "training". In third line replace "ethnic" with "national origin". In fourth line add "security clearance".

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Delete entry and replace with "5 U.S.C. 301; Executive Order 9397; Federal Personnel Manual; DoD Directive 5105.42, Defense Investigative Service, as amended".

**PURPOSES:**

Delete entry and replace with "To generate personnel, manpower, and security operating documents; provide information to OPM, DoD, and DIS management on personnel actions, position management, training, awards, and work force statistics; and provide race and national origin data to the Office of Affirmative Action and Equal Employment Opportunity."

\* \* \* \* \*

**STORAGE:**

Delete entry and replace with "Computer records are in a database or on magnetic tape. Paper output products are stored in folders or binders."

**RETRIEVABILITY:**

Delete entry and replace with "Paper records are retrieved alphabetically by name. Computerized records are retrieved by name, Social Security number, or any of approximately twenty key fields containing information governed by the Privacy Act of 1974."



**SAFEGUARDS:**

Delete entry and replace with "Computers are accessed through assigned security codes. Magnetic tape and paper products are stored in locked cabinets within secured areas accessible only to authorized personnel."

**RETENTION AND DISPOSAL:**

Delete entry and replace with "Database records are retained in an inactive status indefinitely for historical and statistical purposes. Magnetic tape records are used as backup only. They are created daily, retained for five days, then erased or overwritten. Paper reports are retained for one year after the end of the reporting year, and are destroyed by shredding, burning, or pulping."

**SYSTEM MANAGER(S) AND ADDRESS(ES):**

Delete "Deputy Director (Resources), Systems Office" and substitute "Resources Directorate, Systems Branch."

**NOTIFICATION PROCEDURE:**

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211."

**RECORD ACCESS PROCEDURES:**

Delete entry and replace with "Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211."

A request for information must contain the full name, and Social Security number of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act office."

**CONTESTING RECORD PROCEDURES:**

Delete entry and replace with "The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28-4, Access to and Maintenance of DIS Personal Records; 32 CFR part 298a; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700."

**V4-06****SYSTEM NAME:**

Federal Personnel Management System (FPMS).

**SYSTEM LOCATION:**

Primary system is located at the Defense Investigative Service, National Computer Center, P.O. Box 1211, Baltimore, MD 21203-1211.

Decentralized segments are located at the Defense Investigative Service Headquarters, Personnel Office, 1900 Half Street, SW Washington, DC 20324-1700.

Defense Investigative Service, Personnel Investigations Center Personnel Office, P.O. Box 1211, Baltimore, MD 21203-1211.

Defense Investigative Service, Defense Industrial Security Clearance Office Personnel Office, P.O. Box 2499, Columbus, OH 43216-2499.

Defense Investigative Service, New England Region Personnel Office, 495 Summer Street, Boston, MA 02210-2192.

Defense Investigative Service, Mid-Atlantic Region, Personnel Office, 1040 Kings Highway North, Cherry Hill, NJ 08034-1908.

Defense Investigative Service, Capital Region Personnel Office, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331-1000.

Defense Investigative Service, Mid-Western Region Personnel Office, 610 South Canal Street, Room 908, Chicago, IL 60607-4577.

Defense Investigative Service, Southeastern Region Personnel Office, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080-7606.

Defense Investigative Service, Southwestern Region Personnel Office, 106 Decker Court, Suite 200, Irving, TX 75062-2795.

Defense Investigative Service, Northwestern Region Personnel Office, Building 35, Room 114, The Presidio, San Francisco, CA 94129-7700.

Defense Investigative Service, Pacific Region Personnel Office, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807-4013.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of the Defense Investigative Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records consist of identification and employment data, training, gender, racial identification and national origin, security clearance, and other information found in the Official Personnel Folder (OPF).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Executive Order 9397; Federal Personnel Manual; DoD Directive 5105.42, Defense Investigative Service, as amended.

**PURPOSE(S):**

To generate personnel, manpower, and security operating documents; provide information to OPM, DoD, and DIS management on personnel actions, position management, training, awards, and work force statistics; and provide race and national origin data to the Office of Affirmative Action and Equal Employment Opportunity.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The "Blanket Routine Uses" that appear at the beginning of DIS' compilation of record system notices apply to this record system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

Computer records are housed in a database and on magnetic tape. Paper output products are stored in folders or binders.

**RETRIEVABILITY:**

Paper records are retrieved by name. Individual computerized records are retrieved by name, Social Security Number.

**SAFEGUARDS:**

Computers are accessed through assigned security codes. Magnetic tape and paper products are stored in locked cabinets within secured areas accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Database records are retained in an inactive status indefinitely for purposes of history and statistics. Magnetic tape records used as backup only, are created daily, retained for five days, then erased or overwritten. Paper reports are retained for one year after the end of the reporting year, and are destroyed by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS(ES):**

Defense Investigative Service, Resources Directorate, Systems Branch, 1900 Half Street, SW, Washington, DC 20324-1700.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the



Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211.

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211.

A request for information must contain the full name, and Social Security number of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act office.

#### CONTESTING RECORD PROCEDURES:

The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28-4, Access to and Maintenance of DIS Personal Records; 32 CFR part 298a; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700.

#### RECORD SOURCE CATEGORIES:

The individual concerned, personnel and security forms, applications, training certificates and other forms used in the development of official personnel records.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 91-7150 Filed 3-26-91; 8:45 am]

BILLING CODE 3810-01-M

### Department of the Navy

#### Privacy Act of 1974; Addition of a Proposed New Record System

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Addition of a new record system.

**SUMMARY:** The Department of the Navy proposes to add one exempt system of records to its inventory of record systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

**DATES:** The proposed action will be effective on April 26, 1991, unless comments are received that would result in a contrary determination.

**ADDRESSES:** Send comments to Mrs. Gwendolyn Aitken, Head, PA/FOIA Branch, Office of the Chief of Naval Operations (OP-09B30), Department of the Navy, The Pentagon, Washington,

DC 20350-2000. Telephone (703) 694-2004.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy record system notices for records systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a) were published in the Federal Register as follows:

51 FR 12903, Apr. 16, 1986  
51 FR 18086, May 16, 1986 (DON Compilation changes follow)  
51 FR 19884, Jun. 3, 1986  
51 FR 30377, Aug. 26, 1986  
51 FR 30393, Aug. 28, 1986  
51 FR 45931, Dec. 23, 1986  
52 FR 2147, Jan. 20, 1987  
52 FR 2149, Jan. 20, 1987  
52 FR 8500, Mar. 18, 1987  
52 FR 15530, Apr. 29, 1987  
52 FR 22671, Jun. 15, 1987  
52 FR 45846, Dec. 2, 1987  
53 FR 17240, May 16, 1988  
53 FR 21512, Jun. 8, 1988  
53 FR 25363, Jul. 6, 1988  
53 FR 39499, Oct. 7, 1988  
53 FR 41224, Oct. 20, 1988  
54 FR 8322, Feb. 28, 1989  
54 FR 14378, Apr. 11, 1989  
54 FR 32682, Aug. 9, 1989  
54 FR 40160, Sep. 29, 1989  
54 FR 41495, Oct. 10, 1989  
54 FR 43453, Oct. 25, 1989  
54 FR 45781, Oct. 31, 1989  
54 FR 48131, Nov. 21, 1989  
54 FR 51784, Dec. 18, 1989  
54 FR 52976, Dec. 26, 1989  
55 FR 21910, May 30, 1990 (Navy Mailing Addresses)  
55 FR 37930, Sep. 14, 1990  
55 FR 42758, Oct. 23, 1990  
55 FR 47508, Nov. 14, 1990  
55 FR 48678, Nov. 21, 1990  
55 FR 53167, Dec. 27, 1990  
56 FR 424, Jan. 4, 1991

A new system report, as required by 5 U.S.C. 522a(r) of the Privacy Act, was submitted on March 11, 1991, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52738, December 24, 1985). The changes to the record system, and the record system notice in its entirety, are provided below.

Dated: March 20, 1991.

L. M. Bynum,  
Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

N05210-2

#### SYSTEM NAME:

PA/FOIA and Mandatory  
Declassification Review Case Files.

#### SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of record system notices.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed requests under the Privacy Act (PA) for access or amendment of records and/or appealed denials; individuals who have filed requests or appeals under the Freedom of Information Act (FOIA) for access to agency records and/or fee waivers; individuals who have cited both Acts for access to agency/personnel records and or fee waivers; individuals who have filed requests for mandatory declassification review (MDR).

#### CATEGORIES OF RECORDS IN THE SYSTEM:

File contains all correspondence used to respond to a request, such as letter of request which may include requester's full name, Social Security Number, date of birth, home address, etc.; copies of responsive documents (excised/unexcised); classified documents; letters of extension and response; memoranda, legal opinions, messages, and miscellaneous documents relating to an individual's PA/FOIA request/appeal/amendment or fee waiver request, including letters of release/denial, letters of appeal, statements of disagreement, authorization letters from requester granting release to another individual, and related documents accumulated in processing the request. Computerized or manual tracking system that reflects name of requester, type of request, date received, date responded to, comments, fees, etc.

The file also contains fee information: costs involved in processing a request, fees charged to the requester, fees collected from the requester, notices of overdue fees, check receipt information, and vouchers regarding fees collected.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552a, the Privacy Act of 1974, as amended, and as implemented in Secretary of the Navy Instruction 5211.5; 5 U.S.C. 552, the Freedom of Information Act as implemented in Secretary of the Navy Instruction 5720.42; Executive Order 12356 and Executive Order 9397.

#### PURPOSE(S):

To record, process, and coordinate requests for access to records made under the FOIA, PA, and MDR; to collect information for PA/FOIA Annual



reports; to track fees; and other administrative requirements of the Acts.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of record system notices apply to this system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folders, microfiche/microform, or computer disks.

**RETRIEVABILITY:**

By name of requester, company, and year request was answered.

**SAFEGUARDS:**

Records are maintained in monitored or controlled areas accessible only to authorized personnel. Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Access to computerized data base is by password. Building or rooms are locked outside regular working hours.

**RETENTION AND DISPOSAL:**

Records which are granted in full or for which no record has been located and has not been appealed are retained for two years and then destroyed. All other records are retained for six years after final adjudication and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Head, PA/FOIA Branch, Office of the Chief of Naval Operations, Room 5E521, The Pentagon, Washington, DC 20350-2000.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commanding Officer or head of the activity where they submitted a request. The request should contain the name of the requester and date the initial request/appeal was submitted and/or responded.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves should address written inquiries to the Commanding

Officer or head of the activity where request was submitted.

The request should contain name of requester and the date (year) the initial request/appeal was submitted and/or responded.

**CONTESTING RECORD PROCEDURES:**

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

From individuals who submit requests, naval activities, Department of Defense components, and other Federal, state, and local governments.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) and (k)(1) through (k)(7) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

[FR Doc. 91-7149 Filed 3-26-91; 8:45 am]

BILLING CODE 3810-01-M

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. IS86-3-000, et al.]

**ARCO Pipe Line Co.; Refund Report**

March 20, 1991.

Take notice that on January 17, 1991, ARCO Pipe Line Company (APL) filed a refund report within 30 days of the issuance of the final order on rehearing in *ARCO Pipe Line Company*, Opinion No. 351-A (53 FERC 61,398) to comply with Ordering Paragraph (B) of the Commission's Opinion No. 351 (52 FERC 61,055). APL asserts its worksheets, filed with the report, demonstrate that (1) APL does not have any refund obligation under the Commission's rulings in Opinion Nos. 351 and 351-A, as applied to the record evidence in Docket No. IS86-3-000, et al.; and (2) APL's jurisdictional revenues for subsequent years through 1990 are substantially below its 1986 test year cost of service.

With the filing of the above referenced report, APL has requested

that the Commission terminate the following pending dockets addressed in Opinion Nos. 351 and 351-A:

IS86-3-000	IS88-22-000
IS87-13-000 *	IS88-23-000
IS87-19-000	IS88-26-000
IS87-20-000	IS88-27-000
IS87-21-000	IS88-29-000
IS87-24-000	IS88-30-000
IS87-31-000	IS89-1-000
IS87-33-000	IS89-14-000
IS87-34-000	IS89-15-000
IS87-37-000	IS89-18-000
IS88-2-000	IS89-19-000
IS88-3-000	IS89-23-000
IS88-4-000	IS89-24-000
IS88-12-000	IS89-28-000
IS88-14-000	IS89-35-000
IS88-18-000	IS89-41-000

\*Part of IS86-3-000, et al.

Lois D. Casbell,

Secretary.

[FR Doc. 91-7165 Filed 3-26-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. EL88-5-002, EL88-5-003, EL88-5-004, EL88-5-005, EL88-5-006; EL88-7-000, EL88-7-002 and EL88-7-003]

**Commonwealth Electric Co., et al.; Filing**

March 21, 1991.

Take notice that on November 30, 1990, December 19, 1990 and March 1, 1991 Commonwealth Electric Company tendered for filing refund reports in the above referenced dockets in compliance with the Commission's November 5, 1990 order.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 29, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answer to the complaint shall be due on or before March 29, 1991.

Lois D. Casbell,

Secretary.

[FR Doc. 91-7159 Filed 3-26-91; 8:45 am]

BILLING CODE 6717-01-M



[Docket No. TA91-1-46-001]

**Kentucky West Virginia Gas Co.;  
Proposed Change in FERC Gas Tariff**

March 20, 1991.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on March 15, 1991, tendered for filing with the Federal Energy Regulatory Commission (Commission) its revised annual PGA filing, which includes Substitute 27th Revised Sheet No. 41 to its FERC Gas Tariff, Second Revision Volume No. 1, to become effective May 1, 1991.

Kentucky West states that Substitute 27th Revised Sheet No. 41 reflects a deferred gas cost adjustment of (\$0.0614) and a (\$0.7740) current adjustment decrease based on an average cost of purchased gas effective May 1, 1991, of \$1.7060. This average cost of gas reflects Kentucky West's exercise of contractual provisions, pursuant to its obligations under various gas purchase agreements, so as to provide for a total price of \$1.7028 per dth inclusive of all taxes and any other production-related cost additions that it would pay under these contracts.

Kentucky West states that, by its filing, or any request or statement made therein, it does not waive any rights to collect amounts, nor the right to collect carrying charges applicable thereto, to which it is entitled pursuant to the mandate of the United States Court of Appeals for the Fifth Circuit issued on March 6, 1986, in *Kentucky West Virginia Gas Co. v. FERC*, 780 F.2d 1231 (5th Cir. 1986), or to which it becomes entitled pursuant to any other judicial and/or administrative decisions.

Kentucky West states that a copy of its filing has been served upon each of its jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such protests should be filed on or before March 27, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this

filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-7155 Filed 3-26-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-46-002]

**Mississippi River Transmission Corp.;  
Rate Change Filing**

March 20, 1991.

Take notice that on March 14, 1991, Mississippi River Transmission Corporation (MRT) tendered for filing Substitute Eleventh Revised Sheet No. 4A.1, Substitute Eighth Revised Sheet No. 4A.4, and Substitute Seventh Revised Sheet No. 4A.5 to its FERC Gas Tariff, Second Revised Volume No. 1 to be effective January 10, 1991.

MRT states that the purpose of this filing is to comply with the Commission's Order in Docket No. RP91-46-000 issued on March 1, 1991. The Order required MRT to reallocate, to its other customers paying a fixed take-or-pay charge, fifty percent of the costs that otherwise would be allocated to MRT's small customers under MRT's revised allocation method, in accordance with the Commission's Order No. 528-A. In compliance with that directive, MRT has reallocated fifty percent of the Rate Schedule SGS-1 customers' take-or-pay allocation under D-1 method to MRT's other customers paying a fixed charge.

MRT is mailing a copy of the revised tariff sheets to each of the intervenors, MRT's jurisdictional sales customers and to the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such protests should be filed on or before March 27, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-7161 Filed 3-26-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-4-25-000]

**Mississippi River Transmission Corp.;  
Rate Change Filing**

March 20, 1991.

Take notice that on March 18, 1991, Mississippi River Transmission Corporation (MRT) tendered for filing Fifty-Seventh Revised Sheet No. 4, Sixteenth Revised Sheet No. 4.1, and Sixteenth Revised Sheet No. 4.2 to its FERC Gas Tariff, Second Revised Volume No. 1 to be effective April 1, 1991.

MRT states that the purpose of the out-of-cycle filing is to request waiver of the Commission's regulations, in particular § 154.305(d) and § 154.308(c), in order to allow MRT to adjust its commodity surcharge rate from the current level of (10.50¢) per MMBtu to (19.77¢) per MMBtu. MRT states that the impact of the instant filing on its Rate Schedule CD-1 rates is a decrease of 9.27¢ per MMBtu in the CD-1 and SGS-1 commodity charge from MRT's quarterly PGA effective March 1, 1991.

MRT states that a copy of this filing has been served on all of MRT's jurisdictional sales customers and to the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 27, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91-7162 Filed 3-26-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-40-003]

**Northern Natural Gas Co.; Proposed  
Changes in FERC Gas Tariff**

March 20, 1991.

Take notice that Northern Natural Gas Company ("Northern") on March 18, 1991, tendered for filing an amendment to its November 30, 1990 filing proposing changes to its FERC Gas



Tariff. Northern has requested that the proposed filing become effective June 1, 1991, instead of April 1, 1991, as proposed in its Amendment to its November 30, 1990 filing. Northern proposes no other changes to that filing.

Northern states that it seeks to postpone the effective date of its filing because a Settlement was filed with the Commission on March 1, 1991 and said Settlement will allow this docket to be concluded in an orderly manner.

Northern further states that copies of the filing have been mailed to each of its customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such protests should be filed on or before March 27, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-7156 Filed 3-26-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER91-107-000]

**Potomac Electric Power Co.; Filing**

March 21, 1991.

Take notice that on February 19, 1991, Potomac Electric Power Company (PEPCO) tendered for filing additional information in the above-referenced docket in response to staff's deficiency letter of January 4, 1991.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 1, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-7160 Filed 3-26-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-267-011]

**South Georgia Natural Gas Co.; Proposed Changes to FERC Gas Tariff**

March 20, 1991.

Take notice that on March 15, 1991, South Georgia Natural Gas Company (South Georgia) tendered for filing the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, with proposed effective dates shown:

Proposed Sheets	Effective Date
Seventh Revised Sheet No. 4C.	Dec. 16, 1990.
First Substitute Sixty-Ninth Revised Sheet No. 4.	Feb. 1, 1991.
First Substitute Seventieth Revised Sheet No. 4.	Mar. 1, 1991.
First Substitute Seventy-First Revised Sheet No. 4.	Apr. 1, 1991.
Second Substitute Second Revised Sheet No. 16D.	Feb. 1, 1991.
Second Substitute Second Revised Sheet No. 16T.	Feb. 1, 1991.
First Substitute First Revised Sheet No. 34A.01.	Feb. 1, 1991.
First Substitute First Revised Sheet No. 34A.02.	Feb. 1, 1991.

South Georgia states that this filing is being made, under protest, to comply with the directive of the Commission in its Order issued February 28, 1991 in Docket No. RM91-2-004, wherein the Commission (1) Reversed its earlier determination that South Georgia was entitled to revise its take-or-pay allocation methodology under Order No. 528, (2) rejected revised tariff sheets previously accepted in Docket No. RP91-63-000 and (3) ordered South Georgia to file "to reinstate the tariff sheets previously in effect" under Docket Nos. RP88-267-000, *et al.*

South Georgia states the purpose of proposed tariff sheet is to restore South Georgia to the same position it would have been in had the Commission, pursuant to Order No. 528, not (1) Suspended, effective December 16, 1990, the tariff provisions which had previously permitted South Georgia to flow through fixed take-or-pay costs billed to it pursuant to Order No. 500 by its upstream pipeline supplier, Southern Natural Gas Company (Southern Natural) and (2) implemented, effective February 1, 1991, alternate tariff provisions, subsequently invalidated, which permitted the flowthrough of said

costs under an allocation methodology consistent with Order No. 528.

South Georgia states that copies of the filing will be served upon all jurisdictional sales customers, interested state commissions and parties of record in the subject proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such protests should be filed on or before March 27, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-7157 Filed 3-26-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-119-000]

**Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff**

March 20, 1991.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on March 15, 1991 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the tariff sheets listed in appendices A and B of the filing.

Texas Eastern states that these tariff sheets are being filed pursuant to section 7, Article I of the Joint Stipulation and Agreement filed May 31, 1990 (Joint Settlement) in Docket Nos. CP90-186-001 and RP88-67-035 which was approved subject to certain conditions by the Commission's order dated December 20, 1990 (December 20 Order). The tariff sheets listed in Appendices A and B of the filing set forth the changes in Texas Eastern's FERC Gas Tariff to implement the Joint Settlement, as approved and modified by the December 20 Order, reflecting the abandonment of Rate Schedule WS and reflecting the implementation of the new services authorized under Rate Schedule SCQ and SS-1 and an open-access interruptible storage service designated as Rate Schedule ISS-1.

Texas Eastern states that the proposed tariff sheets in Appendix A of the filing are the proforma tariff sheets



contained in the Joint Settlement as modified to comply with the Joint Settlement and the December 20 Order.

Texas Eastern states that the tariff sheets setting forth Rate Schedule ISS-1 and the related form of service agreement are also being filed in order to establish an interruptible storage service as required by the Commission's December 20 Order.

Texas Eastern states that in compliance with the December 20 Order and the Joint Settlement Texas Eastern is also submitting the tariff sheets in appendix B to specify the rates Taxes Eastern will charge commencing with the effective date of the new SS-1 and SCQ services. These rates are based on the cost of service motioned into effect in Docket No. RP90-119 on December 1, 1990, and accepted subject to refund by the Commission by order dated November 30, 1990 in that same docket.

Texas Eastern also proposes, with the concurrence of all WS customers, to clarify the allocation methodology to be utilized to allocate among the WS customers the storage inventory as of the implementation date of the Joint Settlement.

The proposed effective date of the tariff sheets listed in Appendices A and B of the filing and the revised methodology for allocating storage inventory is April 16, 1991.

Texas Eastern states that copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions. Texas Eastern also states that copies are being mailed to all parties in Docket No. CP90-186.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 27, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-7158 Filed 3-26-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-118-000]

#### Transcontinental Gas Pipe Line Corp.; Request for Waiver

March 20, 1991.

Take notice that on March 12, 1991, Transcontinental Gas Pipe Line Corporation (Transco) filed with the Federal Energy Regulatory Commission (Commission) a request for extension of the previously granted waiver of § 154.305(i)(1)(ii)(B) of the Commission's regulations, and of § 22.5(d) of the General Terms and Conditions of Transco's Tariff. Transco requests that the waiver be extended until the earlier of March 31, 1992 or the first month in which Transco makes PGA-based sales in excess of 3.1 million dt or the effectiveness of the Docket No. CP88-391 settlement terminating Transco's PGA.

Transco states that by a letter order issued June 29, 1990 the Commission granted Transco a temporary waiver of § 154.305(i)(1)(ii)(B) of the Commission's regulations and § 22.5(d) of the General Terms and Conditions to Transco's FERC Gas Tariff. Transco also asserts that the same circumstances exist now as existed at the time the Commission originally granted Transco's request for waiver.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 27, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91-7164 Filed 3-26-91; 8:45 am]

BILLING CODE 6717-01-M

#### Office of Fossil Energy

##### DOE Conference on Technology Options for Clean Air Compliance; Meeting Cancellation

A conference on Technology Options for Clean Air Compliance, which was scheduled to be held on May 22 and 23, 1991, at the Westin William Penn, 530 William Penn Place, Pittsburgh, Pennsylvania, has been cancelled. This conference was announced in the *Federal Register* Vol. 56, No. 21, Thursday, January 31, 1991.

Robert H. Gentile,

Assistant Secretary, Fossil Energy.

[FR Doc. 91-7248 Filed 3-26-91; 8:45 am]

BILLING CODE 6450-01-M

##### Cases Filed With the Office of Hearings and Appeals During the Week of February 1 Through February 8, 1991

During the week of February 1 through February 8, 1991, the appeals and applications for exception or other relief listed in the appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: March 20, 1991.

George B. Breznay,

Director, Office of Hearings and Appeals.



## LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[During the Week of February 1 through February 8, 1991]

Date	Name and Location of Applicant	Case No.	Type of Submission
Feb. 4, 1991	Keith D. Britt, Tonopah, NV	LFA-0096	Appeal of an information request denial. If granted: The January 2, 1991 Freedom of Information Request Denial issued by the Albuquerque Operations Office would be rescinded, and Keith D. Britt would receive access to his five-year Personnel Security Reinvestigative Report.
Feb. 5, 1991	City of Virginia Beach, Virginia Beach, VA	RR272-67	Request for modification/rescission of a crude oil refund application. If granted: The January 14, 1991 Decision and Order (Case No. RF272-58282) issued to City of Virginia Beach would be modified.
Feb. 6, 1991	William Wisner, Mojave, CA	LFA-0097	Appeal of an information request denial. If granted: The January 15, 1991 Freedom of Information Request Denial issued by the Office of Administrative Services would be rescinded, and William Wisner would receive access to information on the production of hydrogen and the conversion of a gas engine to operate on hydrogen.
Feb. 7, 1991	Exxon/Mel's Car Care Center, Charlotte, NC	RR307-12	Request for modification/rescission in the Exxon refund proceeding. If granted: The December 3, 1990 Decision and Order (Case No. RF307-7365) issued to Mel's Car Care Center would be modified regarding the firm's Application for Refund submitted in the Exxon special refund proceeding.
Feb. 7, 1991	Shell/C&L Super Shell, Lake Grove, NY	RR315-2	Request for modification/rescission in the Shell refund proceeding. If granted: The November 8, 1990 Decision and Order (Case Nos. RF315-7074 and RF315-10054) would be modified regarding the firm's Application for Refund submitted in the Shell special refund proceeding.

## REFUND APPLICATIONS RECEIVED

[During the Week of February 1 Through February 8, 1991]

Received	Name of Firm	Case No.
01/23/91	Edson, Inc.	RF315-10121
02/01/91 thru 02/08/91	Crude Oil refund, applications received	RF272-86397 thru RF272-86500
02/01/91 thru 02/08/91	Gulf Oil refund, applications received	RF300-15499 thru RF300-15547
02/02/91 thru 02/08/91	Texaco Oil refund, applications received	RF321-13151 thru RF321-13309
02/04/91	Puget Sound Tug & Barge Co.	RF326-225
02/04/91	Texaco, Inc.	RF332-1
02/05/91	Leighow Oil Company	RF307-10173
02/07/91	W. W. Moran Drilling Company	RF326-226
02/08/91	Andy's Drive-In	RF326-227

[FR Doc. 91-7249 Filed 3-26-91; 8:45 am]  
BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-3917-2]

## Transfer of Data to Contractors

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of transfer of data and request of comments.

**SUMMARY:** The Environmental Protection Agency (EPA) will transfer to its contractor, ICF, and their subcontractor, Westat, information which has been, or will be, submitted to EPA under the Resource Conservation and Recovery Act (RCRA). These firms are establishing a national data base on waste generation and management. This data base will be used to develop

analyses on the adequacy of waste management capacity, which is required by the Superfund Amendments and the Reauthorization Act of 1986 (SARA). The data base will also form the basis of national reports to Congress. Some of the information may have a claim of business confidentiality.

**DATES:** Transfer of confidential data submitted to EPA will occur no sooner than April 3, 1991.

**ADDRESSES:** Comments should be sent to Margaret Lee, Document Control Officer, Office of Solid Waste (OS-312), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460. Comments should be identified as "Transfer of Confidential Data."

**FOR FURTHER INFORMATION CONTACT:** Margaret Lee, Document Control Officer, Office of Solid Waste (OS-312), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460, (202) 382-3410.

SUPPLEMENTARY INFORMATION:  
I. Transfer of Data

The U.S. Environmental Protection Agency is using annual and biennial report data to establish a national data base on waste generation and management. This data base will be used to develop analyses on the adequacy of waste management capacity, which is required by the Superfund Amendments and Reauthorization Act of 1986 (SARA). The data base will also form the basis of national reports to Congress.

Under EPA Contract No. 68-W9-0081, and 68-W0-0009, ICF, and their subcontractor, Westat, will assist the Communications, Analysis and Budget Division, Information Management Branch, Office of Solid Waste, in using annual and biennial report data to establish a national data base on waste generation and management. Some of the information being transferred may have been, or will be, claimed as confidential business information.



In accordance with 40 CFR 2.305(h), EPA has determined that ICF and their subcontractor require access to confidential business information (CBI) submitted to EPA under the authority of RCRA to perform work satisfactorily under the above-noted contract.

EPA is issuing this notice to inform all submitters of confidential business information that EPA may transfer to these firms, on a need-to-know basis, CBI collected under the authority of RCRA. Upon completing their review of materials submitted, ICF and their subcontractor will return all such materials to EPA.

ICF and their subcontractor, Westat, have been authorized to have access to RCRA CBI under the EPA "Contractor Requirements for the Control and Security of RCRA Confidential Business Information Security Manual." EPA will approve the security plans of the contractors and will inspect their facilities, and approve them, prior to RCRA CBI being transmitted to the contractors. Personnel from these firms will be required to sign non-disclosure agreements and be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "RCRA Confidential Business Information Security Manual" and the "Contractor Requirements Security Manual".

Dated: March 19, 1991.

Don. R. Clay,

Assistant Administrator.

[FR Doc. 91-7230 Filed 3-26-91; 8:45 am]

BILLING CODE 6560-50-M

[PP 6G3350/T604; FRL 3882-1]

#### Carbon Disulfide; Renewal of Temporary Tolerances

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has renewed temporary tolerances for residues of the nematocidal carbon disulfide in or on the raw agricultural commodities grapefruit, grapes, and oranges at 0.1 part per million (ppm) resulting from soil applications of the nematocidal sodium tetrathiocarbonate.

**DATES:** These temporary tolerances expire November 15, 1991.

**FOR FURTHER INFORMATION CONTACT:** By mail: Susan Lewis, Product Manager (PM) 21, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office

location and telephone number: Rm. 229, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703)-557-1900.

**SUPPLEMENTARY INFORMATION:** EPA issued a notice, which was published in the *Federal Register* of September 27, 1990 (55 FR 39514), stating that temporary tolerances had been renewed for residues of the nematocidal carbon disulfide in or on the raw agricultural commodities grapefruit, grapes, oranges, and potatoes at 0.1 part per million (ppm) resulting from soil applications of the nematocidal sodium tetrathiocarbonate. These tolerances were renewed in response to pesticide petition (PP) 6G3350, submitted by Union Chemicals Division, Unocal, c/o Delta Management Group, 1414 Fenwick Lane, Silver Spring, MD 20910.

The company has requested a 1-year renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 612-EUP-1, which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been renewed on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active nematocidal to be used must not exceed the quantity authorized by the experimental use permit.

2. Unocal Corp., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire November 15, 1991. Residues not in excess of this amount remaining in or on the above raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: March 9, 1991.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 91-6850 Filed 3-26-91; 8:45 am]

BILLING CODE 6560-50-F

[PP 9G3800/T605; FRL 3883-7]

#### Carbon Disulfide; Establishment of Temporary Tolerances

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has established temporary tolerances for residues of the nematocidal carbon disulfide in or on certain raw agricultural commodities. These temporary tolerances were requested by Union Chemicals Division, Unocal.

**DATES:** These temporary tolerances expire December 15, 1991.

**FOR FURTHER INFORMATION CONTACT:** By mail: Susan Lewis, Product Manager (PM) 21, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557-1900.

**SUPPLEMENTARY INFORMATION:** Union Chemicals Division, Unocal, c/o Delta Management Group, 1414 Fenwick Lane, Silver Spring, MD 20910, has requested in pesticide petition (PP) 9G3800, the establishment of temporary tolerances for residues of the nematocidal carbon disulfide in or on the raw agricultural commodities almonds, almond hulls, lemons, peaches, plums (fresh prunes) and tomatoes at 0.1 parts per million (ppm) resulting from soil applications of the nematocidal sodium tetrathiocarbonate. These temporary



tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 612-EUP-4, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Unocal Corp., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire December 15, 1991. Residues not in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirement of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(f).

Dated: March 12, 1991.

Anne E. Lindsay,  
Director, Registration Division, Office of  
Pesticide Programs.

[FR Doc. 91-6851 Filed 3-26-91; 8:45 am]

BILLING CODE 6560-50-F

[OPP-50719; FRL-3708-1]

# **Receipt of Notification of Intent to Conduct Small-Scale Field Testing; Nonindigenous Microbial Pesticide**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's receipt of two notifications of intent to conduct small-scale field testing of a nonindigenous strain of *Bacillus thuringiensis* from the E.I. duPont de Nemours and Company, Inc.

**DATES:** Written comments must be received on or before April 10, 1991.

**ADDRESSES:** By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment(s) concerning this Notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and all written comments will be available for public inspection in Rm. 246 at the Virginia address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Phil Hutton, Product Manager (PM) 17, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2690).

**SUPPLEMENTARY INFORMATION:** Two notifications of intent to conduct small-scale field testing pursuant to the EPA's "Statement of Policy; Microbial Products

Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act" of June 26, 1986 (51 FR 23313), have been received from the E.I. duPont de Nemours and Company, Inc. of Wilmington, Delaware. The purpose of the proposed testing is to evaluate the efficacy of the nonindigenous *Bacillus thuringiensis* strains toward lepidopterous and coleopterous insect pests of vegetables and field crops. The field tests are to take place in California, Delaware, Florida, Illinois, Maryland, Mississippi, and Texas for a combined acreage of 6 acres per *Bacillus thuringiensis* strain. Following the review of the application and any comments received in response to this Notice, EPA will decide whether or not an experimental use permit is required.

Dated: March 22, 1991.

Anne E. Lindsay,  
Director, Registration Division, Office of  
Pesticide Programs.

[FR Doc. 91-7233; Filed 3-26-91; 8:45 am]

BILLING CODE 6560-50-F

[OPP-180842; FRL 3881-9]

## **Emergency Exemptions**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has granted specific exemptions for the control of various pests to the eight States as listed below, and one by the Guam Department of Agriculture. A quarantine exemption was also granted to the United States Department of Agriculture. These exemptions were issued during the month of January, except for one issued in December and one issued in February. They are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the contact persons in EPA listed below.

**DATES:** See each specific and quarantine exemption for its effective date.

**FOR FURTHER INFORMATION CONTACT:** See each emergency exemption for the name of the contact person. The following information applies to all contact persons: By mail: Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1806).



**SUPPLEMENTARY INFORMATION:** EPA has granted specific exemptions to the:

1. Arizona Office of the State Chemist for the use of fenpropathrin on citrus orchards to control citrus thrips; January 30, 1991, to June 15, 1991. A solicitation of public comment notice was published in the *Federal Register* of January 17, 1991 (56 FR 1811); no comments were received. An exemption was granted on the basis that fenpropathrin is expected to reduce the problem with bee kills in citrus orchards in Arizona. The toxicology data base for fenpropathrin will support the proposed use on citrus. Existing fish and wildlife data for fenpropathrin indicate little potential to adversely affect nontarget organisms; to date, reasonable progress is being made toward registration. (Jim Tompkins)

2. Arizona Office of State Chemist for the use of avermectin B<sub>1</sub> on head lettuce to control American serpentine leafminer; January 1, 1991, to June 15, 1991. (Libby Pemberton)

3. California Department of Food and Agriculture for the use of methyl bromide on watermelons to control nematodes, weeds, and soil-borne pathogenic fungi; January 2, 1991, to May 1, 1991. (Libby Pemberton)

4. California Department of Food and Agriculture for the use of fosetyl-aluminum (Aliette) on head and leaf lettuce to control downy mildew;

January 1, 1991, to December 31, 1991. (Susan Stanton)

5. Florida Department of Agriculture and Consumer Services for the use of methyl bromide on watermelons to control nematodes, weeds, and soil-borne pathogenic fungi; January 2, 1991, to April 1, 1991. (Libby Pemberton)

6. Florida Department of Agriculture and Consumer Services for the use of avermectin B<sub>1</sub> on head lettuce to control leafminers; December 12, 1990, to June 15, 1991. (Libby Pemberton)

7. Florida Department of Agriculture and Consumer Services for the use of propiconazole on sweet corn and seed corn to control southern corn leaf blight and common rust; January 30, 1991, to August 31, 1991. Florida had initiated a crisis exemption for this use on sweet corn only. (Jim Tompkins)

8. Georgia Department of Agriculture for the use of streptomycin on *Vidalia* onions to control a new unnamed *pseudomonas* sp.; January 14, 1991, to June 30, 1991. (Susan Stanton)

9. Guam Department of Agriculture for the use of methyl bromide on broccoli, cauliflower, celery, lettuce, and spinach to control western flower thrips and cabbage aphids; January 22, 1991, to January 22, 1994. (Libby Pemberton)

10. Hawaii Department of Agriculture for the use of methyl bromide on ginger root to control root knot nematodes;

January 19, 1991, to January 19, 1992. (Robert Forrest)

11. Kentucky Department of Agriculture for the use of benomyl on canola to control sclerotinia stem rot; February 4, 1991, to June 1, 1991. A solicitation of public comment notice was published in the *Federal Register* of January 17, 1991 (56 FR 1810); no comments were received. An exemption was granted on the basis that an emergency condition was deemed to exist, based on a lack of registered alternatives and the potential for significant economic losses to occur without an effective control. The use can be toxicologically supported. Dietary risks should be low, and worker exposure will be minimized through the use of required protective clothing. The use is not expected to pose a significant risk of adverse effects on nontarget organisms or the environment. (Susan Stanton)

12. Oregon Department of Agriculture for the use of chlorothalonil on hazelnuts to control eastern filbert blight; January 24, 1991, to May 30, 1991. (Susan Stanton)

13. Texas Department of Agriculture for the use of cypermethrin on onions to control thrips; January 2, 1991, to September 15, 1991. (Robert Forrest)



EPA has granted a quarantine exemption to the United States Department of Agriculture for the use of fluvalinate in bee hives to control varroa mites; January 14, 1991, to January 21, 1991. USDA had initiated a crisis exemption for this use. (Libby Pemberton)

Authority: 7 U.S.C. 136.

Dated: March 5, 1991.

Douglas D. Camp,  
Director, Office of Pesticide Programs.  
[FR Doc. 91-7102 Filed 3-26-91; 8:45 am]  
BILLING CODE 6560-50-F

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

March 21, 1991.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street NW., Washington, DC 20036, (202) 452-1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB number: 3060-0391.

Title: Monitoring Program for Impact of Federal-State Joint Board Decisions.  
Action: Revision.

Respondents: Businesses or other for-profit.

Frequency of response: Quarterly, annually.

Estimated annual burden: 761 responses; 2 hours average burden per response; 1,522 hours total annual burden.

Needs and uses: This submission is made to request OMB approval to eliminate the FCC Form 496, State Telephone Assistance Report which is one of three reports comprising the Monitoring Program. The Commission has determined that the FCC Form 496 may be eliminated since the National Exchange Carrier Association (NECA) now compiles and files the same data with the Commission. The other monitoring reports: information on network usage and growth; and data on

rate cases will remain active as delineated in our September 1990 submission approved by OMB on November 14, 1990. The monitoring program is necessary for the FCC, the Joint Board, Congress and the general public to assess the impact of the Joint Board decisions. Failure to implement this program will make it impossible to determine the impact of these decisions and to assure that they do not produce unanticipated results contrary to the public interest.

William F. Caton,  
Acting Secretary.

[FR Doc. 91-7252 Filed 3-26-91; 8:45 am]

BILLING CODE 6712-01-M

### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

March 20, 1991.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street NW., Washington, DC 20036, (202) 452-1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB number: 3060-0411

Title: Sections 1.70-1.734, Formal Complaints Against Common Carriers  
Action: Extension

Respondents: Individuals or households, state or local governments, federal agencies or employees, non-profit institutions, and businesses or other for-profit (including small businesses)

Frequency of response: On occasion

Estimated annual burden: 950 responses; 10 hours average burden per response; 9,500 hours total annual burden

Needs and uses: Section 208 of the Communications Act of 1934, as amended, provides that any person may file a complaint with the FCC regarding acts of or omissions of common carriers. This section obligates the Commission to serve such complaints on the affected carrier for response or resolution. section 208 also obligates the FCC to investigate unsatisfied complaints.

§§ 1.720 through 1.734 of the Rules were promulgated to implement section 208. The information is used by the FCC to determine the sufficiency of the complaint and to resolve the merits of the dispute between the parties.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 91-7253 Filed 3-26-91; 8:45 am]

BILLING CODE 6712-01-M

### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

March 20, 1991.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street NW., Washington, DC 20036, (202) 452-1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB number: 3060-0292

Title: Part 69—Access Charges

Action: Extension

Respondents: Businesses or other for-profit

Frequency of Response: Monthly, semi-annually and/or one-time requirement

Estimated annual burden: 5,832 responses; 5.8 hours average burden per response; 33,825 hours total annual burden

Needs and uses: Part 69 establishes the Rules for access charges for interstate or foreign access provided by telephone companies on or after January 1, 1984. § 69.3 requires the annual submission of access charge tariffs. §§ 69.116(c) and 69.117(c) require local exchange carriers (LECs) to file information with NECA semi-annually pertaining to the number of lines in their study areas and the interexchange carriers to which such lines are presubscribed. This information will be used by NECA to assess revenue requirements needed to fund the Universal Service Fund and Lifeline Assistance Programs. Section 69.104(k)(1) requires that a state or local telephone company wishing to



implement an end user common line reduction or waiver for its subscribers file information with the FCC demonstrating that its state lifeline assistance plan meets certain criteria. This is a one-time filing requirement. Section 69.104(1) requires local telephone carriers to calculate for NECA their projected revenue requirements for the lifeline assistance programs. Section 69.605 requires carriers who are participating in the pool to report access revenues and cost data so that NECA may compute monthly pool revenues distributions.

Federal Communications Commission.

William F. Canton,

Acting Secretary.

[FR Doc. 91-7254 Filed 3-26-91; 8:45 am]

BILLING CODE 6712-01-M

### Public Information Collection Requirements Submitted to Office of Management and Budget for Review

March 19, 1991.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0421.

Title: Price Cap Rules (Second Report and Order, CC Docket No. 87-313).

Action: Revision.

Respondents: Businesses or other for-profit.

Frequency of Response: Quarterly.

Estimated Annual Burden: 40 responses; 20 hours average burden per response; 800 hours total annual burden.

Needs and Uses: The Order formalizes the information collections needed to support the price cap form of regulation. The Report and Order modifies the service quality monitoring collection proposed in the Second Further Notice of Proposed Rulemaking (approved by OMB) by requiring the submission of post dial delay and switch downtime data. In addition, two reports—blockage and installation interval—are shifted

from the semi-annual report to the quarterly report to the extent duplication can be modified, and are thus required of some additional carriers. All the reports will be filed quarterly as part of the Automated Report Management Information System (ARMIS). The FCC stopped short of developing the details for these reporting requirements. Instead, the FCC delegated to the Common Carrier Bureau the task of developing and clarifying the reporting requirements, assuring that the reports are standardized as much as possible and of establishing the calendars and other requirements.

OMB Number: 3060-0171.

Title: Section 73.1125, Station main studio location.

Action: Reinstatement of a previously approved collection for which approval has expired.

Respondents: Business or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 37 responses; 5 hours average burden per response; 19 hours total annual burden.

Needs and Uses: Section 73.1125 requires AM, FM, or TV licensees to locate their main studio at any point within the station's principal community contours. If the station relocates its main studio from one point to another within the principal community contour or from a point outside the principal community contour to one within it, the licensee is required to notify the FCC. The data is used by FCC staff to assure that the station is located within the principal community contour and serves to notify the Commission of a change in the mailing address.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-7134 Filed 3-26-91; 8:45 am]

BILLING CODE 6712-01-M

### [Report No. 1841]

### Petitions for Reconsideration of Actions in Rule Making Proceedings

March 21, 1991.

Petitions for reconsideration have been filed in the Commission rule making proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.329(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C., or may be purchased from the Commission's copy contractor Downtown Copy Center (202) 452-1422.

Oppositions to these petitions must be filed by April 12, 1991. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations, (Cleveland and Belzoni, Mississippi)

Number of Petitions Received: 1

Subject: Amendment of parts 2 and 80 of the Commission's Rules Applicable to Automated Maritime Telecommunications Systems. (GEN Docket No. 88-372, RM-5712)

Number of Petitions Received: 1

Subject: Amendment of the Maritime Services Rules (part 80) to Require That VHF Ship Station Transmitters Automatically Cease Operation After a Predetermined Period of Operation. (PR Docket No. 90-26, RM-8770)

Number of Petitions Received: 1

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations, (Kalispell, Montana) (MM Docket No. 90-474, RM-7478)

Number of Petitions Received: 1

Federal Communications Commission

Donna R. Searcy,

Secretary.

[FR Doc. 91-7133 Filed 3-26-91; 8:45 am]

BILLING CODE 6712-01-M

### FEDERAL ELECTION COMMISSION

[Notice 1991-4]

### Filing Dates for the Illinois Special Elections

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special elections.

SUMMARY: Illinois has scheduled special elections on May 21, 1991, and July 2, 1991, in the Fifteenth Congressional District to fill the seat of Representative Edward Madigan.

Committees required to file reports in connection with the Special Primary Election should file a 12-day Pre-Primary Report by May 9, 1991. Committees required to file reports in connection with both the Special Primary and Special General Election to be held on July 2, 1991, must file a 12-day Pre-Primary Report, a 12-day Pre-General Report by June 20, 1991, and a Post-General Report by August 1, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Public Information Office, 999 E Street NW., Washington.



DC 20463, Telephone: (202) 376-3120; Toll Free (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** All principal campaign committees of candidates in only the Special Primary Election and all other political committees not filing monthly which support candidates only in the Special Primary shall file a 12-day Pre-Primary Report by May 9, 1991, with coverage

dates from the last report filed through May 1, 1991. Committees must also file a Mid-Year Report due July 31, 1991.

All principal campaign committees of candidates in the Special Primary and Special General Election and all other political committees which support candidates in these elections shall file a 12-day Pre-Primary Report by May 9, 1991, with coverage dates from the last

report filed through May 1, 1991; 12-day Pre-General Report due on June 20, 1991, with coverage dates from May 2, 1991 through June 12, 1991; and a 30-day Post-General Report due on August 1, 1991, with coverage dates from June 13, 1991, through July 22, 1991. The Mid-Year report is waived for committees required to file the 30-day Post-General Report.

#### CALENDAR OF REPORTING DATES FOR ILLINOIS SPECIAL ELECTIONS

Report	Period Covered <sup>1</sup>	Reg./cert. mailing date <sup>2</sup>	Filing date
All Committees Involved in the Special Primary (5/12) Only Must File:			
Pre-primary .....	01/01/91-05/01/91	05/06/91	05/09/91
Mid-year .....	05/02/91-06/30/91	07/31/91	07/31/91
All Committees Involved in the Special Primary (5/21) and Special General (7/2) Must File:			
Pre-primary .....	01/01/91-05/01/91	05/06/91	05/09/91
Pre-general .....	05/02/91-06/12/91	06/17/91	06/20/91
Mid-year <sup>3</sup> .....	(*)	(*)	(*)
Post-general .....	06/13/91-07/22/91	08/01/91	08/01/91

<sup>1</sup> The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

<sup>2</sup> Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

<sup>3</sup> The Mid-Year report is waived for all committees required to file the post-general election report.

<sup>4</sup> Waived.

Dated: March 21, 1991.

John Warren McGarry,  
Chairman, Federal Election Commission.  
[FR Doc. 91-7187 Filed 3-26-91; 8:45 am]  
BILLING CODE 6715-01-M

#### [Notice 1991-3]

#### Filing Dates for the Texas Special Election

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of filing dates for a special elections.

**SUMMARY:** Texas has scheduled a special election in the Third Congressional District to fill the seat of Representative Steve Bartlett. There are two possible elections, but only one may be necessary.

• Special Election: May 4, 1991. If no candidate wins a majority of votes in

the Special Election, the two top vote-getters, regardless of party affiliation will participate in a Special Runoff.

• Special Runoff Election: May 18, 1991.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bobby Werfel, Public Information Office, 999 E Street, NW., Washington, DC 20463, Telephone (202) 376-3120; Toll Free (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** All principal campaign committees of candidates who participate in the Texas Special Election and all other political committees not filing monthly which support candidates in the Special Election shall file a 12-day Pre-Special Report by April 22, 1991, with coverage dates from the last report filed through April 14, 1991. If there is a majority winner, committees must also file a Post-Special Report by June 3, 1991, with coverage dates from April 15, 1991

through May 24, 1991, and a Mid-year Report due July 31, 1991, with coverage dates from May 25, 1991, through June 30, 1991.

In the event that no candidate receives a majority of the votes in the Special Election, a Special Runoff Election will be held on May 18, 1991.

All principal campaign committees of candidates who participate in the Texas Special Runoff Election and all other political committees not filing monthly which support candidates in the Special Runoff shall file a 12-day Pre-Runoff Report by May 6, 1991, with coverage dates from April 15, 1991, through April 28, 1991, and a Post-Runoff Report by June 17, 1991, with coverage dates from April 29, 1991, through June 7, 1991, and a Mid-Year Report by July 31, 1991, with coverage dates from June 8, 1991, through June 30, 1991.

#### CALENDAR OF REPORTING DATES FOR TEXAS SPECIAL ELECTION

Report	Period covered <sup>1</sup>	Reg./cert. mailing date <sup>2</sup>	Filing date
If only one election (5/4) is held, committees must file:			
Pre-Special .....	01/01/91	04/19/91	04/22/91
Post-Special .....	04/15/91-05/24/91	06/03/91	06/03/91
Mid-Year .....	05/25/91-06/30/91	07/31/91	07/31/91
If two elections are held, all committees involved in only the special election (5/4) must file:			
Pre-Special .....	01/01/91-04/14/91	04/19/91	04/22/91
Mid-Year .....	04/15/91-06/30/91	07/31/91	07/31/91
If two elections are held, committees involved in the special election (5/4) and the special runoff election (5/18) must file:			
Pre-Special .....	01/01/91-04/14/91	04/19/91	04/22/91



## CALENDAR OF REPORTING DATES FOR TEXAS SPECIAL ELECTION—Continued

Report	Period covered <sup>1</sup>	Reg./cert. mailing date <sup>2</sup>	Filing date
Pre-Runoff.....	04/15/91-04/28/91	05/03/91	05/06/91
Post-Runoff.....	04/29/91-06/07/91	06/17/91	06/17/91
Mid-Year.....	06/08/91-06/30/91	07/31/91	07/31/91

<sup>1</sup> The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

<sup>2</sup> Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

Dated: March 21, 1991.

John Warren McGarry,  
Chairman, Federal Election Commission.  
[FR Doc. 91-7186 Filed 3-26-91; 8:45 am]  
BILLING CODE 9715-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Major Disaster and Related Determinations; Georgia

[FEMA-897-DR]

**AGENCY:** Federal Emergency  
Management Agency.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Georgia (FEMA-897-DR), dated March 15, 1991, and related determinations.

**DATED:** March 15, 1991.

**FOR FURTHER INFORMATION CONTACT:**  
Neva K. Elliott, Disaster Assistance  
Programs, Federal Emergency  
Management Agency, Washington, DC  
20472 (202) 646-3614.

**NOTICE:** Notice is hereby given that, in a letter dated March 15, 1991, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Public Law 93-288, as amended by Public Law 100-707), as follows:

I have determined that the damage in certain areas of the State of Georgia, resulting from severe storms and flooding beginning on March 1, 1991, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Georgia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided

under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Paul E. Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Georgia to have been affected adversely by this declared major disaster:

The counties of Appling, Atkinson, Bacon, Berrien, Brooks, Coffee, Johnson, Lanier, Laurens, Lowndes, Pierce, and Thomas for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs  
and Support, Federal Emergency  
Management Agency.

[FR Doc. 91-7223 Filed 3-26-91; 8:45 am]

BILLING CODE 9718-02-M

[FEMA-895-DR]

### Amendment to Notice of a Major Disaster Declaration; MS

**AGENCY:** Federal Emergency  
Management Agency.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Mississippi (FEMA-895-DR), dated March 5, 1991, and related determinations.

**DATED:** March 16, 1991.

**FOR FURTHER INFORMATION CONTACT:**  
Neva K. Elliott, Disaster Assistance  
Programs, Federal Emergency

Management Agency, Washington, DC  
20472 (202) 646-3614.

**NOTICE:** The notice of a major disaster for the State of Mississippi, dated March 5, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 5, 1991:

Sunflower County for Public Assistance  
(already designated for Individual  
Assistance).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs  
and Support, Federal Emergency  
Management Agency.

[FR Doc. 91-7222 Filed 3-26-91; 8:45 am]

BILLING CODE 9718-02-M

[FEMA-896-DR]

### Major Disaster and Related Determinations; Washington

**AGENCY:** Federal Emergency  
Management Agency.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Washington (FEMA-896-DR), dated March 8, 1991, and related determinations.

**DATED:** March 8, 1991.

**FOR FURTHER INFORMATION CONTACT:**  
Neva K. Elliott, Disaster Assistance  
Programs, Federal Emergency  
Management Agency, Washington, DC  
20472 (202) 646-3614.

**NOTICE:** Notice is hereby given that, in a letter dated March 8, 1991, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Public Law 93-288, as amended by Public Law 100-707), as follows:

I have determined that the damage in certain areas of the State of Washington, resulting from severe storms and high tides on December 20-31, 1990, is of sufficient



severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Washington.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint John A. Kainrad of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Washington to have been affected adversely by this declared major disaster:

The counties of Island, Jefferson, King, Kitsap, Lewis, Pierce, San Juan, Skagit, and Whatcom for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 91-7224 Filed 3-26-91; 8:45 am]

BILLING CODE 6718-02-M

[Docket No. FEMA-REP-5-OH-1]

#### Ohio Plan for Response to Radiation Emergencies at Licensed Nuclear Facilities

**ACTION:** Certification of finding and determination.

In accordance with the Federal Emergency Management Agency (FEMA) Rule, title 44, CFR, part 350, the State of Ohio originally submitted the Ohio Plan for Response to Radiation Emergencies at Licensed Nuclear Facilities, site-specific to the Davis-Besse Nuclear Power Station, to the Regional Director of FEMA Region V for review and approval on February 25, 1981. During the review of the site-specific offsite radiological emergency

response plans and preparedness, the FEMA Region V Regional Assistance Committee (RAC) identified several planning issues which required correction prior to a recommendation of formal plan approval under title 44 CFR, part 350. Additionally, on August 15, 1986, Governor Celeste withdrew his March 24, 1986, implementation directive for the Davis-Besse Nuclear Power Station offsite radiological emergency response plans. Subsequent to the withdrawal of the implementation directive, however, the Ohio Disaster Services Agency has been actively participating in offsite radiological emergency response planning and exercising and has addressed and corrected the offsite radiological emergency planning and preparedness problems at Davis-Besse that had been identified by the RAC.

On May 24, 1989, Governor Celeste, in accordance with the provisions of § 350.7 of the FEMA Rule, transmitted the Ohio Plan for Response to Radiation Emergencies at Licensed Nuclear Facilities along with the plans for Ottawa and Lucas Counties, site-specific to the Davis-Besse Nuclear Power Station, to FEMA Region V for review and approval. On August 30, 1989 the FEMA Regional Director forwarded his evaluation of the offsite radiological emergency response plans and preparedness and a recommendation for approval to the Associate Director for State and Local Programs and Support, in accordance with § 350.11 of the FEMA Rule. Included in this evaluation was a review of the Davis-Besse Nuclear Power Station offsite radiological emergency preparedness exercise conducted on March 31, 1987, in accordance with § 350.9 of the FEMA Rule, and a report of the Public Meeting conducted on April 30, 1987, in accordance with § 350.10 of the FEMA Rule.

Based on the evaluation and recommendation for approval by the FEMA Region V Director and the review by the Headquarters staff, in accordance with § 350.12 of the FEMA Rule, I find and determine that the State and local offsite radiological emergency response plans and preparedness site-specific to the Davis-Besse Nuclear Power Station are adequate to protect the health and safety of the public living in the vicinity of the site. The offsite radiological emergency response plans and preparedness are assessed as adequate in that there is reasonable assurance that appropriate protective measures can be taken offsite in the event of a radiological emergency and that the plans are capable of being implemented.

The prompt alert and notification system installed and operational around the Davis-Besse Nuclear Power Station, was previously approved by FEMA on September 14, 1987, in accordance with the criteria of NUREG-0654/FEMA-REP-1, Rev. 1, Appendix 3, and FEMA-REP-10, the "Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants."

Accordingly, I approve the Ohio State and local offsite radiological emergency response plans and preparedness, site-specific to the Davis-Besse Nuclear Power Station. FEMA will continue to review the status of the offsite radiological emergency response plans and preparedness site-specific to the Davis-Besse Nuclear Power Station in accordance with § 350.13 of the FEMA Rule.

For further details with respect to this action, refer to Docket File Number FEMA-REP-5-OH-1, maintained by the Regional Director, FEMA Region V, 175 W. Jackson Blvd., 4th Floor, Chicago, Illinois 60604.

Dated: March 15, 1991.

For the Federal Emergency Management Agency,

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 91-7220 Filed 3-26-91; 8:45 am]

BILLING CODE 6718-20-M

#### Radiological Emergency Preparedness Exercise Manual and Exercise Evaluation Methodology

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice of availability of the Radiological Emergency Preparedness (REP) Exercise Manual (FEMA-REP-14) and the REP Exercise Evaluation Methodology (EEM) (FEMA-REP-15), and invitation for comments.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) guidance documents, the REP Exercise Manual and the REP EEM, are available for distribution to the public and for comment. Copies are being distributed to State and local governments involved in offsite emergency planning around nuclear power plants, Nuclear Regulatory Commission nuclear power plant licensees, and other REP Program constituents for review and comment.

These documents provide planning and preparedness guidance in the form of specific exercise objectives and related criteria for use by state and local governments and licensee offsite response organizations in planning for



and conducting REP exercises. These documents also provide guidance for FEMA and other Federal agencies to use in carrying out Federal REP Program activities, including the evaluation of exercises involving offsite response organizations.

Comments received by FEMA on these documents will be evaluated, considered, and incorporated, as appropriate, into the development of the final published versions. Since the Manual and EEM contain new policy and procedures, FEMA will provide ample time for implementation of these changes when these documents are published in final.

A copy of each of these documents may be obtained from: FEMA, P.O. Box 70274, Washington, DC 20024. Please reference the publication number, FEMA-REP-14 or FEMA-REP-15, in your request.

Comments on these documents will be received through May 31, 1991, and should be addressed to: Rules Docket Clerk, FEMA, room 835, 500 C Street, SW., Washington, DC 20472.

Dated: March 18, 1991

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 91-7221 Filed 3-26-91; 8:45 am]

BILLING CODE 6718-20-M

## FEDERAL RESERVE SYSTEM

### Agency Forms Under Review

March 21, 1991.

#### Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and

recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

**DATES:** Comments must be submitted on or before April 11, 1991.

**ADDRESSES:** Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.8(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

#### FOR FURTHER INFORMATION CONTACT:

A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829).

#### Proposal To Approve Under OMB Delegated Authority the Extension, Without Revision of the Following Reports

1. *Report title:* Report of Changes in Foreign Investments.

*Agency form number:* FR 2064

*OMB Docket number:* 7100-0109.

*Frequency:* On occasion.

*Reporters:* Member banks, bank holding companies and Edge and Agreement corporations.

*Annual reporting hours:* 300.

*Estimated average hours per response:* 5.

*Number of respondents:* 50.

Small businesses are not affected.

*General description of report:* This information collection is required (12 U.S.C. 625, and 1844 and 12 CFR 211.7c) and given confidential treatment (12 U.S.C. 552(b)(4)).

This report provides information needed by the Federal Reserve to

monitor foreign investments by U.S. banking organizations. The report is used to notify the Federal Reserve of foreign investment changes as required under Regulation K, and to provide a basis for updating the System's information on foreign investments.

2. *Report title:* Ongoing Intermittent Survey of Households.

*Agency form number:* FR 3016.

*OMB Docket number:* 7100-0150.

*Frequency:* Up to four times a year.

*Reporters:* Household and individuals.

*Annual reporting hours:* 140.

*Estimated average hours per response:* .07.

*Number of respondents:* 500.

Small businesses are affected.

*General description of report:* This information collection is voluntary (12 U.S.C. 225a, 263, 1828(c), 1842, 1843, and 4008, and 15 U.S.C. 1693b(a)). No issues of confidentiality arise under the Freedom of Information Act [FOIA] or under the Privacy Act.

This survey provides the Federal Reserve with considerable flexibility in obtaining household-based information specifically tailored to the Federal Reserve's policy and regulatory and operational responsibilities.

3. *Report title:* Notification Pursuant to § 211.23(h) of Regulation K on Acquisitions Made by Foreign Banking Organizations.

*Agency form number:* FR 4002.

*OMB Docket number:* 7100-0110.

*Frequency:* On occasion (estimated average of two per year).

*Reporters:* Foreign banking organizations.

*Annual reporting hours:* 160.

*Estimated average hours per response:* 5.

*Number of respondents:* 160.

Small businesses are not affected.

*General description of report:* This information collection is required [12 U.S.C. 1844(c) and 3106(a)] and confidential treatment may be requested.

Foreign banking organizations (FBO's) must inform the Federal Reserve of shares acquired in companies engaged in activities in the U.S., and of direct and indirect U.S. activities commenced by a subsidiary of the FBO.

4. *Report title:* Regulation K Requirements for Applications and Prior Notifications.

*Agency form number:* FR K-1.

*OMB Docket number:* 7100-0107.

*Frequency:* On occasion.

*Reporters:* State member and national banks, Edge and Agreement corporations and bank holding companies.

*Annual reporting hours:* 1538.



*Estimated average hours per response:* Varies from 10 to 19 hours.

*Number of respondents:* 101.

Small businesses are not affected.

*General description of report:* This information collection is required [12 U.S.C. 601-604(a), 1843 (c)(13) and (c)(14) and 1844(c)] confidential treatment may be requested by the applicant [5 U.S.C. 552(b)(4)].

The FR K-1 is a compilation of all the applications and prior notification requirements in Regulation K that govern the formation of Edge and Agreement corporations and international and the international and foreign activities of U.S. banking organizations.

*5. Report title:* Report of Intercompany Transactions for Foreign Banking Organizations and their U.S. Bank Subsidiaries.

*Agency form number:* FR Y-8f.

*OMB Docket number:* 7100-0127.

*Frequency:* Semiannually.

*Reporters:* Foreign banking organizations.

*Annual reporting hours:* 1188.

*Estimated average hours per response:* 9.

*Number of respondents:* 66.

Small businesses are not affected.

*General description of report:* This information collection is required [12 U.S.C. 1844(c) and 12 CFR 225.5(b)] and is given confidential treatment [5 U.S.C. 552(b)(8)].

This report provides the Federal Reserve with information on intercompany transactions between foreign banking organizations and their U.S. bank subsidiaries. This report enables the system to monitor and supervise intercompany flows of funds to ensure that U.S. subsidiary banks are not engaging in any unsafe and unsound practices with their foreign owners.

Board of Governors of the Federal Reserve System, March 21, 1991.

William W. Wiles,  
Secretary of the Board.

[FR Doc. 91-7172 Filed 3-26-91; 8:45 am]

BILLING CODE 6210-01-M

#### **Jeffrey Lionel Beck; Change in Bank Control; Acquisition of Shares of Banks or Bank Holding Companies**

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than April 15, 1991.

**A. Federal Reserve Bank of Dallas**  
(W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

**1. Jeffrey Lionel Beck, Dallas, Texas;** to acquire an additional 38.98 percent of the voting shares of Park Central Bank of Dallas, Dallas, Texas, for a total of 61 percent.

Board of Governors of the Federal Reserve System, March 21, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-7170 Filed 3-26-91; 8:45 am]

BILLING CODE 6210-01-F

#### **Northern California Community Bancorporation, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies**

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than April 15, 1991.

**A. Federal Reserve Bank of San Francisco** (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

**1. Northern California Community Bancorporation, Inc., Alameda, California;** to merge with Mission-Valley Bancorp, Pleasanton, California, and thereby indirectly acquire Commercial Bank of Fremont, Fremont, California; Concord Commercial Bank, Concord, California; Lamorinda National Bank, Lafayette, California; The Bank of Milpitas, National Association, Milpitas, California; The Bank of Pleasanton, Pleasanton, California; and The Bank of San Ramon Valley, San Ramon, California.

Board of Governors of the Federal Reserve System, March 21, 1991.

Jennifer J. Johnson,  
Associate Secretary of the Board.

[FR Doc. 91-7171 Filed 3-26-91; 8:45 am]

BILLING CODE 6210-01-F

#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

##### **Health Care Financing Administration**

[HSQ-186-GN]

##### **Medicare Program; Peer Review Organization Contracts; Solicitation of Statements of Interest from In-State Organizations (DE, KY, NE, NV, SC, WY)**

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** General notice.

**SUMMARY:** This notice, in accordance with section 1153(i) of the Social Security Act, gives at least 6 months advance notice of the dates when contracts with out-of-State Utilization and Quality Control Peer Review Organizations (PROs) end. It also specifies the period of time in which in-State organizations may submit statements of interest so that they may receive Requests for Proposals (RFPs) and compete for those contracts. The States currently affected are Delaware, Kentucky, Nebraska, Nevada, South Carolina, and Wyoming.

**DATES:** Statements of interest must be received at the appropriate address as provided below no later than 5 p.m. EST on April 17, 1991.

**ADDRESSES:** Statements of interest must be submitted to: Edward T. Hodges, Health Care Financing Administration, OBA, Room 389 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207.

**FOR FURTHER INFORMATION CONTACT:** Frank Sokolik, (301) 966-7220.



**SUPPLEMENTARY INFORMATION:****I. Background**

The Peer Review Improvement Act of 1982 (title I, subtitle C of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Public Law 97-248) amended part B of title XI of the Social Security Act (the Act) by establishing the Utilization and Quality Control Peer Review Organization (PRO) program.

PROs currently review certain health care services furnished under title XVIII of the Act (Medicare) and under certain other Federal programs to determine whether those services are reasonable, medically necessary, furnished in the appropriate setting, and are of a quality that meets professionally recognized standards. Congress created the PRO program in order to redirect, simplify and enhance the cost-effectiveness and efficiency of the peer review process.

In June of 1984, HCFA began awarding contracts to PROs. We currently maintain 53 PRO contracts with organizations that provide medical review activities for 49 of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, and the combined review area of the State of Hawaii, Guam and American Samoa. The organizations that are eligible to contract as PROs have satisfactorily demonstrated that they are either physician-sponsored or physician-access organizations in accordance with section 1153 of the Act. A physician-sponsored organization is one that is both composed of a substantial number of the licensed doctors of medicine or osteopathy practicing medicine or surgery in the respective review area and is representative of the physicians practicing in the review area. A physician-access organization is one that has available to it, by arrangement or otherwise, the services of a sufficient number of licensed doctors of medicine or osteopathy practicing medicine or surgery in the review area to assure adequate peer review of the services furnished by the various medical specialties and subspecialties. In addition, the organization must not be a health care facility, health care facility association, or a health care facility affiliate, and must have a consumer (a Medicare beneficiary) on its governing board.

The Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203) amended section 1153 of the Act by adding a new subsection (i) that prohibits the Secretary from renewing the contract of any PRO that is not an in-State organization without first publishing in the *Federal Register* a notice announcing when the contract will expire. This notice must be published no later than 6

months before the date of expiration, and must specify the period of time during which an in-State organization may submit a proposal for the contract. If one or more qualified in-State organizations submit a proposal within the specified period of time, HCFA may not automatically renew the contract on a noncompetitive basis, but must instead provide for competition for the contract in the same manner used for a new contract. We note that the conference agreement accompanying the legislation specifically removed the Senate amendment requirement that the Secretary give additional consideration to any qualified in-State organization in the contract competition process.

These requirements are effective with contracts eligible for renewal on or after August 1, 1988. For the purposes of renewal under section 1153 of the Act, an in-State organization is defined as an organization that has its primary place of business in the State in which review will be conducted (or, that is owned by a parent corporation, the headquarters of which is located in that State).

There are currently 11 PRO contracts that do not meet the statutory definition of an in-State organization. The affected areas are: Alaska, Delaware, Idaho, Kentucky, Maine, Nebraska, Nevada, South Carolina, Vermont, Wyoming, and the District of Columbia.

**II. Provisions of the Notice**

This notice announces that current contracts between HCFA and out-of-State PROs responsible for review in Delaware, Nebraska, and Wyoming will expire on September 30, 1991; in Kentucky and Nevada on October 31, 1991; and in South Carolina on November 30, 1991. Interested organizations in these States may submit statements of interest on those contracts. The statements must be received by HCFA no later than April 17, 1991, and, in its statement of interest, the organization must furnish materials that demonstrate that it meets the definition of an in-State organization. Specifically, the organization must have its primary place of business in the State in which review will be conducted (or, that is owned by a parent corporation, the headquarters of which is located in that State). In its statement, each interested organization must further demonstrate that it meets the following requirements:

A. Be either a physician sponsored or a physician access organization.

1. Physician sponsored organization.

i. The organization must be composed of a substantial number of the licensed doctors of medicine and osteopathy practicing medicine or surgery in the

review area, and be representative of the physicians practicing in the review area.

ii. The organization must not be a health care facility, health care facility association, or health care facility affiliate.

iii. In order to meet the substantial number requirement of A.1.i., an organization must be composed of at least 10 percent of the licensed doctors of medicine and osteopathy practicing medicine or surgery in the review area. In order to meet the representation requirement of A.1.i., an organization must state and have documentation in its files demonstrating that it is composed of at least 20 percent of the licensed doctors of medicine and osteopathy practicing medicine or surgery in the review area; or, if the organization does not demonstrate that it is composed of at least 20 percent of the licensed doctors of medicine and osteopathy practicing medicine or surgery in the review area, then the organization must demonstrate in its statement of interest, through letters of support from physicians or physician organizations, or through other means, that it is representative of the area physicians.

2. Physician access organization.

i. The organization must have available to it, by arrangement or otherwise, the services of a sufficient number of licensed doctors of medicine or osteopathy practicing medicine or surgery in the review area to assure adequate peer review of the services provided by the various medical specialties and subspecialties.

ii. The organization must not be a health care facility, health care facility association, or health care facility affiliate.

iii. An organization meets the requirements of A.2.i. if it demonstrates that it has available to it a least one physician in every generally recognized specialty; and has an arrangement or arrangements with physicians under which the physicians would conduct review for the organization.

B. Have at least one individual who is a representative of consumers on its governing board.

If one or more organizations meet the above requirements in a PRO area, and submit statements of interest in accordance with this notice, HCFA will consider those organizations to be potential sources for the contracts (identified above) that are expiring on September 30, 1991, October 31, 1991, and November 30, 1991. These organizations will be furnished with a Request for Proposal (RFP) and will be



considered in full and open competition for the PRO contract to provide medical review services for that State.

### III. Regulatory Impact Statement

This notice merely announces the dates when contracts with various out-of-State Peer Review Organizations expire, and the period of time in which in-State organizations may file statements of interest. This notice is not a proposed rule or a final rule issued after a proposal, and does not alter any regulations. Therefore, we have determined and the Secretary certifies that no analyses are required under Executive Order 12291, the Regulatory Flexibility Act (5 U.S.C. 601 through 612), or section 1102(b) of the Act.

### IV. Information Collection Requirements

This notice contains information collection requirements that have been approved and assigned Control Number OMB 0938-0526 by the Executive Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

**Authority:** Sec. 1153 of the Social Security Act (42 U.S.C. 1320c-2). (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and No. 93.774, Medicare—Supplementary Medical Insurance.)

Dated: December 3, 1990.

Gail R. Wilensky,  
Administrator Health Care Financing  
Administration.

[FR Doc. 91-7227 Filed 3-26-91; 8:45 am]

BILLING CODE 4120-01-M

### Statement of Organizations, Functions, and Delegations of Authority; Office of Prepaid Health Care Operations and Oversight Divisions

Part F. of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA) is amended to reflect the establishment of the division level organizational structure of the new Office of Prepaid Health Care Operations and Oversight (OPHCOO) within Office of the Associate Administrator for Operations.

The Specific Changes to Part F. Are:

- A New Section FP.20.B.1.a., *Division of Qualifications Analysis (FPF11)*, Is Added to Read as Follows:
  - a. Division of Qualification analysis (FPF11).
  - Directs the qualification review and evaluation process.
  - Investigates and evaluates applicants' conformance with legal

requirements for qualification and presents recommendations regarding qualification decisions to senior Office of Prepaid Health Care Operations & Oversight (OPHCOO) staff and the Deputy Associate Administrator for Operations.

- Develops and implements operational policies and procedures for the qualification evaluation process which address critical program objectives including timeliness and resolution of complex issues in management, finance, legal, marketing, and health services delivery.
- Maintains the information system which produces the Division's routine and special reports on the status of qualification applicants.
- Provides to future applicants, State regulators, investors, employers, and others, guidance and current interpretations of the statutes and regulations as they apply to qualification.
- Serves as liaison with State and local health agencies concerned with particular applicants.
- A New Section FP.20.B.1.b., *Division of Contract Administration (FPF12)*, Is Added to Read as Follows:
  - b. Division of Contract Administration (FPF12).
  - Develops procedures for evaluating prepaid health plan contract applications, contract negotiation and implementation, and monitoring contractor compliance.
  - Provides oversight of regional office activities related to prepaid health care.
  - Oversees all aspects of Medicare contract administration with Health Maintenance Organizations (HMOs), Competitive Medical Plans (CMPs), Health Care Prepayment Plans, and national organizations which include:
    - (a) establishing and interpreting contract policy, (b) reviewing initial contract applications, contract renewals, and contract modifications and preparing recommendations for approval/disapproval, (c) coordinating HMO and CMP initiated nonrenewals, (d) preparing recommendations for nonrenewals and terminations initiated by HCFA, and (e) acquiring necessary clearance of contracting activities with the Office of the General Counsel.
  - Analyzes trends in prepaid health care and advises HCFA management of their impact on the Medicare program and evaluates the impact of policies and legislation on prepaid health care operations and proposes alternative courses of action.
  - Plans, directs and coordinates the overall processing of reconsideration cases which result when a Medicare HMO or CMP enrollee disagrees with a

plan's decision on payment and/or the provision of services.

- A New Section FP.20.B.2.a., *Division of Compliance (FPF21)*, Is Added to Read as Follows:
  - a. Division of Compliance (FPF21).
  - Assures the continuing compliance of qualified organizations with the requirements of Section 1301 of the Public Health Service Act and Section 1876 of the Social Security Act and related regulations, by initiating and carrying out monitoring activities including site visits for each prepaid health plan.
  - Develops standards and procedures and institutes the means of data reporting and analysis for compliance monitoring of qualified organizations.
  - Assures compliance by employers with a mandatory offering of the prepaid health plan alternative in employee health benefit plans.
  - Assists the Office of Coordinated Care Policy and Planning in developing and provides guidance on policy and regulations related to prepaid health plan compliance and evaluating the impact of policy, legislation, and regulation on ability of qualified organizations to remain in compliance.
  - Develops and implements procedures for the revocation of Federal qualification. Develops and implements measures for handling complaints regarding federally qualified organizations from members, employers, consumers, and other entities. Develops and implements rehabilitation and liquidation plans for organizations experiencing financial difficulty.
  - A New Section FP.20.B.2.b., *Division of Loan Management (FPF22)*, Is Added to Read as Follows:
    - b. Division of Loan Management (FPF22).
    - Develops and directs the overall national strategy and operations of the prepaid health plans loan and loan guarantee program.
    - Develops and manages the review process for all loan determinations, provisions of all legal documents regarding loan assistance, the loan closing process, loan monitoring procedures, loan sizing determinations, loan defaults and remedies, and directs and coordinates the loan management activities.
    - Assists the Office of Coordinated Care Policy and Planning in developing and making recommendations regarding new or existing regulations, policies, and procedures affecting the loan and loan guarantee program.
    - Develops procedures for and monitors the adherence to the statutory and regulatory provisions relating to



financial disclosure by federally qualified organizations.

- Reviews all audited financial statements of qualified organizations to determine if the organizations are in compliance with the requirements of the statute and regulations.

- Establishes, organizes, controls, and maintains the official files in support of loan and regulatory actions, including support documents for affidavits and other judicial proceedings.

- Develops, implements, and maintains computerized data systems to provide timely data for loan and regulatory monitoring, to maintain a statistical data base, and to prepare special reports.

- *A new Section FP.20.B.3., Division of Methods and Procedures (FPF31), Is Added to Read as Follows:*

- a. Division of Methods and Procedures (FPF31).

- Establishes national operational policies, procedures, operating instructions, systems specifications, data exchange, and reimbursement mechanisms which define and systematize the Medicare prepaid health plan enrollment, disenrollment, and payment processes.

- Develops, implements, and maintains the methods and procedures for interfacing prepaid health plan operations (including health maintenance organizations (HMOs)/ competitive medical plans (CMPs), health care prepayment plans (HCPPs), and any capitation demonstration projects) with the nonprepaid Medicare health insurance system.

- Formulates systems requirements, defines data base files, and develops procedures for prepaid health care data exchange and reimbursement mechanisms.

- Develops and maintains instruction in various national manuals used by the prepaid plans, regional offices, intermediaries, and carriers regarding the prepaid health care information system.

- Evaluates the effectiveness of the prepaid plan information system, and recommends changes and improvements.

- Serves as HCFA's focal point for prepaid health plan enrollment/disenrollment, and payment operational issues and interim reimbursement.

- *A New Section FP.20.B.3.b., Division of Medicare Payments I (FPF32), is Added to Read as Follows:*

- b. Division of Medicare Payments I (FPF32).

- Responsible for all activities which involve Medicare prepaid health plan accounting policy implementation and payments for Regions I through V.

- Reviews and approves Adjusted Community Rate (ACR) proposals for contractor reimbursement on a risk basis as set out under the Tax Equity and Fiscal Responsibility Act.

- Renders technical guidance, coordinates appeals, and provides assistance concerning prepayment plan cost reimbursement and audit.

- Coordinates payment policy formulation with the Bureau of Policy Development and the Office of the Actuary.

- Reviews health maintenance organizations' annual budget and enrollment forecasts, quarterly cost reports, and final cost reports.

- Prepares information for sending requests for proposals to independent certified public accounting (CPA) firms, reviews audit reports from CPA firms, and negotiates the settlement of audit exceptions with prepaid health plans.

- Determines interim payments due to prepaid health plans, schedules payments accordingly, and maintain records of payments made.

- Reviews and analyzes national data on an ongoing basis for the purpose of monitoring prepaid health care in the areas of plan enrollment and payments.

- *A New Section FP.20.BV.3.c., Division of Medicare Payments II (FPF33), is Added to Read as Follows:*

- c. Division of Medicare Payments II (FPF33).

- Responsible for all activities which involve Medicare prepaid health plan accounting policy implementation and payments for Regions VI through X.

- Reviews and approves Adjusted Community Rate (ACR) proposals for contractor reimbursement on a risk basis as set out under the Tax Equity and Fiscal Responsibility Act.

- Renders technical guidance, coordinates appeals, and provides assistance concerning prepayment plan cost reimbursement and audit.

- Coordinates payment policy formulation with the Bureau of Policy Development and the Office of the Actuary.

- Reviews health maintenance organizations' annual budget and enrollment forecasts, quarterly cost reports, and final cost reports.

- Prepares information for sending requests for proposals to independent certified public accounting (CPA) firms, reviews audit reports from CPA firms, and negotiates the settlement of audit exceptions with prepaid health plans.

- Determines interim payments due to prepaid health plans, schedules payments accordingly, and maintains records of payments made.

- Reviews and analyzes national data on an ongoing basis for the purpose of

monitoring prepaid health care in the areas of plan enrollment and payments.

Dated: March 13, 1991.

Robert A. Streimer,

Associate Administrator for Management.

[FR Doc. 91-7226 Filed 3-13-91; 8:45 am]

BILLING CODE 4120-01-M

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Public Reporting Forms

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice.

**SUMMARY:** The Royalty Management Program (RMP) of the Minerals Management Service (MMS) gives notice that the warning statement on public reporting forms regarding late payment charges, penalties, and assessments is being updated for consistency and clarification. The revised warning statement will replace various statements now in use on the RMP forms.

**EFFECTIVE DATE:** April 26, 1991.

#### FOR FURTHER INFORMATION CONTACT:

Dennis C. Whitcomb, Rules and Procedures Branch, Minerals Management Service, Royalty Management Program, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 3910, Denver, Colorado 80225-0165 (303) 231-3432 or (FTS) 326-3432.

**SUPPLEMENTARY INFORMATION:** The principal authors of this Notice are Jeane Kalas and Raymond Hicks of the Rules and Procedures Branch, Royalty Management Program, Minerals Management Service, Lakewood, Colorado.

#### I. Background

Public reporting forms used by RMP to collect information from industry and the public on royalty payments and production data include various warning statements. The warning statements are not consistent and do not refer to current authority citations. The updated warning statement does not change the policy or method of collecting royalty and production information. Reporting requirements and information are not effected by this notice.

#### II. Conclusions

The RMP is revising the warning statement on all reporting forms used to collect royalty information and production data to make the statements consistent. The revised warning statement is as follows:



Warning: This is to inform you that failure to report accurately and timely in accordance with the statutes, regulations, or terms of the lease, permit, or contract may result in late

payment charges, civil penalties, or liquidated damages being assessed without further notification. Intentional false or inaccurate reporting is subject to criminal

prosecution in accordance with applicable Federal law(s).

The warning statement will be included on the following forms.

Form No.	Name	OBM No.
MMS-2014	Report of Sales and Royalty Remittance—Oil and Gas	1010-0022
MMS-3160	Monthly Report of Operations	1010-0040
MMS-4014	Report of Sales and Royalty Remittance—Solid Minerals	1010-0064
MMS-4025	Payor Information Form Oil and Gas	1010-0033
MMS-4030	Payor Information Form Solid Minerals	1010-0064
MMS-4051	Facility Measurement Information Form	1010-0040
MMS-4052	Well Information Form	1010-0040
MMS-4053	First Purchaser Report	1010-0040
MMS-4054	Oil and Gas Operations Report A,B,C	1010-0040
MMS-4055	Gas Analysis Report	1010-0040
MMS-4056	Gas Plant Operations Report A,B,C	1010-0040
MMS-4057	Fractionation Plant Operations Report	1010-0040
MMS-4058	Production Allocation Schedule Report	1010-0040
MMS-4059	Solid Minerals Operations Report A,B	1010-0063
MMS-4060	Solid Minerals Facility Report A,B	1010-0063
MMS-4061	API Well Number Change Report	1010-0040
MMS-4070	Application for Purchase of Royalty Oil	1010-0042
MMS-4071	Semiannual Report of RIK Entitlements and Deliveries	1010-0042
MMS-4109	Gas Processing Allowance Summary Report	1010-0075
MMS-4110	Oil Transportation Allowance Report	1010-0061
MMS-4292	Coal Washing Allowance Report	1010-0074
MMS-4293	Coal Transportation Allowance Report	1010-0074
MMS-4295	Gas Transportation Allowance Report	1010-0075

Dated: March 4, 1991.

Donald T. Sant,

Acting Associate Director for Royalty Management.

[FR Doc. 91-7205 Filed 3-28-91; 8:45 am]

BILLING CODE 4310-MR-M

#### National Park Service

#### Mississippi River Coordinating Commission; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

**SUMMARY:** This notice sets the schedule for the forthcoming meeting of the Mississippi River Coordinating Commission. Notice of this meeting is required under the Federal Advisory Committee Act.

**DATES:** April 16, 1991; 6 p.m. to 9:30 p.m.

**ADDRESSES:** Council Chamber, City of South Saint Paul Municipal Building, 125 Third Avenue North, South Saint Paul, Minnesota.

**FOR FURTHER INFORMATION CONTACT:** Norman J. Reigle, Superintendent, Mississippi National River and Recreation Area, Post Office Box 65456, St. Paul, MN 55156-0456 (612-290-4160).

**SUPPLEMENTARY INFORMATION:** The Mississippi River Coordinating Commission was established by Public Law 100-696, November 18, 1988.

Dated: March 7, 1991.

William W. Schenk,

Regional Director, Midwest Region.

[FR Doc. 91-7210 Filed 3-28-91; 8:45 am]

BILLING CODE 4310-70-M

#### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 12, 1991. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by April 11, 1991.

Carol D. Skull,

Chief of Registration, National Register.

#### CALIFORNIA

##### Mariposa County

St. Joseph Catholic Church, Rectory and Cemetery, 4983-4985 Bullion St., Mariposa, 91000424.

#### CONNECTICUT

##### Fairfield County

Aspetuck Historic District. Roughly, Redding Rd. from Jct. with Old Redding Rd. to Welles Hill Rd. and Old Redding Rd. N past Aspetuck R., Easton, 91000437.

#### KENTUCKY

##### Montgomery County

Chesapeake and Ohio Railroad Passenger and Baggage Depots [Mount Sterling MPS], N of C & O RR tracks between S. Maysville and S. Bank Sts., Mount Sterling, 91000431.

Chiles, William, House [Mount Sterling MPS], Off Richmond Rd. S of US 60, Mount Sterling, 91000430.

East Mount Sterling Historic District [Mount Sterling MPS], Roughly, Harrison Ave. and N. Queen St. between E. High St. and alley N of Strother St., Mount Sterling, 91000433.

Fitzpatrick, W.T., House [Mount Sterling MPS], Apperson Heights E of S. Bank St., Mount Sterling, 91000429.

Hicks, Miss Emma, Bungalow [Mount Sterling MPS], 10 White Ave., Mount Sterling, 91000428.

Machpelah Cemetery [Mount Sterling MPS], E. Main St. at eastern city limits, Mount Sterling, 91000427.

Methodist Episcopal Church South [Mount Sterling MPS], Jct. of E. Main and N. Wilson Sts., Mount Sterling, 91000428.

Monarch Milling Company [Mount Sterling MPS], Jct. of S. Maysville and E. Locust, Mount Sterling, 91000425.

#### MINNESOTA

##### Ramsey County

Hall, S. Edward, House, 996 Iglehart Ave., St. Paul, 91000440.

Pilgrim Baptist Church, 732 W. Central Ave., St. Paul, 91000438.

##### St. Louis County

St. Mark's African Methodist Episcopal Church, 530 N. 5th Ave. E., Duluth, 91000439.



**MONTANA****Stillwater County**

Stoltz House, 405 SW. First St., Park City,  
91000422.

**NEW YORK****Livingston County**

Avon Inn, 55 E. Main St., Avon, 91000423.

**TENNESSEE****Davidson County**

Ellis Service Station Garage, 2000 Old  
Murfreesboro Rd., Nashville, 91000436.

**WYOMING****Crook County**

Wyoming Mercantile, WY 24, Aladdin,  
91000435.

**Fremont County**

Quien Sabe Ranch [Pioneer Ranches/Farms  
in Fremont County MPS], Quien Sabe  
Ranch Rd., 18 mi. NE of Shoshoni, Shoshoni  
vicinity, 91000434.

[FR Doc. 91-7209 Filed 3-26-91; 8:45 am]

BILLING CODE 4310-70-M

# **U.S. World Heritage Nomination Process; Calendar Year 1991**

**AGENCY:** National Park Service, U.S.  
Department of the Interior.

**ACTION:** Public notice and request for  
comment.

**SUMMARY:** The Department of the Interior, through the National Park Service, announces the process that will be used in calendar 1991 to identify possible U.S. nominations to the World Heritage List. This notice solicits public comments and suggestions on properties that should be considered as potential U.S. World Heritage nominations. The requirements that U.S. properties must satisfy to be considered for nomination appear in 36 CFR part 73. The criteria which cultural or natural properties must satisfy for World Heritage status, the properties on the Inventory of Potential Future U.S. World Heritage Nominations, and the 17 U.S. properties inscribed on the World Heritage List as of January 1, 1990 were printed in the March 20, 1990, *Federal Register* (55 FR 10327).

**DATES:** Comments on, or suggestions of cultural or natural properties as potential 1992 U.S. World Heritage nominations must be received within 60 days of this notice. Comments should pertain to the merits of properties included on the Inventory or those that the respondent believes should be considered for U.S. nomination to the World Heritage List in 1992. Comments should also specify how the recommended property satisfies one or

more of the World Heritage criteria. The Department will decide on the issue of nominations for 1992 and will publish the decision in the *Federal Register* with a request for further public comment in the event that potential nominations are identified. Comments on potential United States nominations which may be listed must be received within 30 days of the second notice. In the event that nominations are favorably identified and received, the Department of the Interior will subsequently publish in the *Federal Register* a final list of proposed 1992 U.S. World Heritage nominations. A detailed nomination document will be prepared for each. The Federal Interagency Panel for World Heritage will review the accuracy and completeness of the draft 1992 United States nomination(s) and will make recommendations to the Department of the Interior. The Assistant Secretary for Fish and Wildlife and Parks will subsequently transmit approved nomination(s) on behalf of the United States to the World Heritage Committee Secretariat through the Department of State by October 1, 1991, for evaluation by the World Heritage Committee in 1992.

**ADDRESSES:** Written comments or recommendations should be sent to the Director, National Park Service, U.S. Department of the Interior, P.O. Box 37127, Washington, DC 20013-7127. Attention: World Heritage Convention—023.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert C. Milne, Chief, Office of International Affairs, National Park Service, U.S. Department of the Interior, P.O. Box 37127, Washington, DC 20013-7127 (202/343-7063).

**SUPPLEMENTARY INFORMATION:** The Convention Concerning the Protection of the World Cultural and Natural Heritage, ratified by the United States and 116 other countries, establishes a system of international cooperation through which cultural and natural properties of outstanding universal value to mankind may be recognized and protected. The Convention seeks to put into place an orderly approach for coordinated and consistent heritage resource protection and enhancement throughout the world. The Convention complements each participating nation's heritage conservation programs and provides for:

(a) The establishment of an elected 21-member World Heritage Committee to further the goals of the Convention and to approve properties for inclusion on the World Heritage List;

(b) The development and maintenance of a World Heritage List to be comprised

of natural and cultural properties of outstanding universal value;

(c) The preparation of a List of World Heritage in Danger;

(d) The establishment of a World Heritage Fund to assist participating countries in identifying, preserving, and protecting World Heritage properties;

(e) The provision of technical assistance to participating countries, upon request; and

(f) The promotion and enhancement of public knowledge and understanding of the importance of heritage conservation at the international level.

Participating nations identify and nominate their sites for inclusion on the World Heritage List. The World Heritage Committee reviews and evaluates all nominations against established criteria. Under the Convention each participating nation assumes responsibility for taking appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, and rehabilitation of World Heritage properties situated within its borders.

In the United States, the Department of the Interior is responsible for directing and coordinating U.S. participation in the World Heritage Convention. The Department implements its responsibilities under the Convention in accordance with the statutory mandate contained in title IV of the National Historic Preservation Act Amendments of 1980 (Pub. L. 96-515; 16 U.S.C. 470a-1, a-2). The policies and procedures which are used to carry out this legislative mandate appear in 36 CFR part 73. The rules contain additional information on the Convention and its implementation in the United States, and identify the specific requirements that U.S. properties must satisfy before they can be nominated for World Heritage status.

Dated: January 23, 1991.

Scott Sewell,

Acting Assistant Secretary for Fish and  
Wildlife and Parks.

[FR Doc. 91-7251 Filed 3-26-91; 8:45 am]

BILLING CODE 4310-70-M

## **INTERNATIONAL TRADE COMMISSION**

[Investigation No. 731-TA-469 (Final)]

**High-Information Content Flat Panel  
Displays and Subassemblies Thereof  
From Japan**

**AGENCY:** United States International  
Trade Commission.



**ACTION:** Institution and scheduling of a final antidumping investigation.

**SUMMARY:** The Commission hereby gives notice of the institution of final antidumping investigation No. 731-TA-469 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of high-information content flat panel displays and subassemblies thereof, that have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTV). Such imports are provided for under the following headings and subheadings of the Harmonized Tariff Schedule of the United States: 8543, 8803, 9013, 9014, 9017.90.00, 9018, 9022, 9026, 9027, 9030, 9031, 8471.92.30, 8471.92.40.00, 8473.10.00, 8473.21.00, 8473.30.40, 8442.40.00, 8466, 8517.90.00, 8528.10.80, 8529.90.00, 8531.20.00, 8531.90.00, and 8541. Commerce will make its final LTFV determination on or before July 8, 1991 and the Commission will make its final injury determination by August 21, 1991 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

**EFFECTIVE DATE:** February 21, 1991.

**FOR FURTHER INFORMATION CONTACT:** Debra Baker (202-252-1180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

**SUPPLEMENTARY INFORMATION:**

**Background.**—This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of high-information content flat panel displays and subassemblies thereof from Japan are being sold in the United States at less than fair value within the meaning of section 733 of the act (19 U.S.C. 1673b). The investigation was requested in a petition filed on July 18, 1990 by the Advanced Display Manufacturers Association, Washington, DC. In response to that petition the Commission conducted a preliminary antidumping investigation

and, on the basis of information developed during the course of that investigation, determined that there was reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (55 FR 37577, September 12, 1990).

**Participation in the investigation.**—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 FR 201.11), not later than twenty-one (21) days after the publication of this notice in the *Federal Register*. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

**Public service list.**—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with sections 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each public document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

**Limited disclosure of business proprietary information under a protective order and business proprietary information service list.**—Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in this final investigation to authorized applicants under a protective order, provided that the application be made no later than twenty-one (21) days after the publication of this notice in the *Federal Register*. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

**Staff report.**—The prehearing staff report in this investigation will be

placed in the nonpublic record on June 21, 1991, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

**Hearing.**—The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on July 11, 1991 at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on July 2, 1991. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on July 3, 1991 at the U.S. International Trade Commission Building. Pursuant to § 207.22 of the Commission's rules (19 CFR 207.22) each party is encouraged to submit a prehearing brief to the Commission. The deadline for filing prehearing briefs is July 2, 1991. If prehearing briefs contain business proprietary information, a nonbusiness proprietary version is due July 3, 1991.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonbusiness proprietary summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written material submitted at the hearing must be filed in accordance with the procedures described below and any business proprietary materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

**Written submissions.**—Prehearing briefs submitted by parties must conform with the provisions of § 207.22 of the Commission's rules (19 CFR 207.22) and should include all legal arguments, economic analyses, and factual materials relevant to the public hearing. Posthearing briefs submitted by parties must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on July 17, 1991. If posthearing briefs contain business proprietary information, a nonbusiness proprietary version is due July 18, 1991. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the



subject of the investigation on or before July 17, 1991.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR § 207.7(a)) may comment on such information in their prehearing and posthearing briefs, and may also file additional written comments on such information no later than July 22, 1991. Such additional comments must be limited to comments on business proprietary information received in or after the posthearing briefs.

A nonbusiness proprietary version of such additional comments is due July 23, 1991.

**Authority:** This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: March 20, 1991.

By order of the Commission.

Kenneth R. Mason,  
Secretary.

[FR Doc. 91-7193 Filed 3-26-91; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-512 and 513 (Preliminary)]

### **Tart Cherry Juice and Tart Cherry Juice Concentrate From Germany and Yugoslavia**

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution and scheduling of preliminary antidumping investigations.

**SUMMARY:** The Commission hereby gives notices of the institution of preliminary antidumping investigations Nos. 731-TA-512 and 513 (Preliminary) under

section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Germany and Yugoslavia of tart cherry juice, whether or not concentrated, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter, provided for in subheading 2009.80.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by May 3, 1991.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practices and Procedure, part 207, subparts A and B (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

**EFFECTIVE DATE:** March 19, 1991.

**FOR FURTHER INFORMATION CONTACT:** Jeff Doidge (202-252-1183), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

#### **SUPPLEMENTARY INFORMATION:**

**Background.**—These investigations are being instituted in response to a petition filed on March 19, 1991, by the Cherry Marketing Institute, Inc., Okemos, MI.

**Participation in the investigations.**—Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring, to file the entry.

**Public service list.**—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a public service list containing the names and addresses of all persons,

or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each public document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

**Limited disclosure of business proprietary information under a protective order and business proprietary information service list.**—Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in these preliminary investigations to authorized applicants under a protective order, provided that the application be made not later than seven (7) days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

**Conference.**—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m. on April 9, 1991, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Jeff Doidge (202-252-1183) not later than April 5, 1991, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

**Written submissions.**—Any person may submit to the Commission on or before April 11, 1991, a written brief containing information and arguments pertinent to the subject matter of the investigations, as provided in § 207.15 of the Commission's rule (19 CFR 207.15). If briefs contain business proprietary information, a nonbusiness proprietary version is due April 12, 1991. A signed original and fourteen (14) copies of each



submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their written brief, and may also file additional written comments on such information no later than April 15, 1991. Such additional comments must be limited to comments on business proprietary information received in or after the written briefs. A nonbusiness proprietary version of such additional comments is due April 16, 1991.

**Authority:** These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: March 20, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91-7191 Filed 3-26-91; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 337-TA-290 (Modification Proceeding)]

#### Termination of Modification Proceeding

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

In the Matter of Certain Wire Electrical Discharge Matching Apparatus and Components thereof.

**SUMMARY:** Notice is hereby given that the Commission has adopted the recommended determination, issued by the presiding administrative law judge (ALJ) in accordance with 19 CFR § 211.57(b), terminating the above-captioned modification proceeding. The modification proceeding was instituted to determine whether wire electrical

discharge machining apparatus (wire EDMs) imported or sold with modified assemblies are being, or are likely to be, retrofitted with replacement nozzles of the design used in prior assemblies, thereby putting into service wire EDMs imported or sold by respondents that utilize the prior infringing assemblies.

#### FOR FURTHER INFORMATION CONTACT:

Craig L. McKee, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E. Street, SW., Washington, DC 20436; telephone 202-252-1117. Hearing-impaired individuals are advised that information about this matter can be obtained by contacting the Commission's TDD terminal 202-252-1810.

**SUPPLEMENTARY INFORMATION:** On January 23, 1989, Elox Corporation (Elox) and A.G. fur Industrielle Elektronik (AGIE) filed a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) alleging violation of section 337 in the importation and sale of certain wire EDMs that infringed claims of U.S. Letters Patent 3,928,163 (the '163 patent) owned by AGIE. The Commission instituted an investigation of the complaint and issued a notice of investigation that was published in the *Federal Register* on March 8, 1989 (54 FR 9906). The respondents named in the notice of investigation were Sodick Co., Ltd., Sodick, Inc., KGK Co., KGK International Co., Maruka Machinery Co., Ltd., Maruka Machinery Corporation of America, Yamazen Co., Ltd., Yamazen USA, Inc., and Bridgeport Machines, Inc. The investigation was terminated with respect to Maruka Machinery Co., Ltd. and Maruka Machinery Corporation of America pursuant to a consent order and consent order agreement between complainants Elox and AGIE and respondents Maruka Japan and Maruka USA. The remaining respondents are hereinafter referred to as the Sodick respondents.

On March 8, 1990, the Commission determined that there was a violation of section 337 in the importation, sale for importation, or sale in the United States of wire EDMs. The Commission also determined that a limited exclusion order and cease and desist orders directed to four U.S. respondents were the appropriate form of relief. The limited exclusion order prohibited the entry of fringing wire EDMs, in assembled or unassembled form, manufactured by Sodick. On May 8, 1990, the Commission's order became final at the expiration of the Presidential review period. Respondents, Sodick, Ltd., Sodick, Inc., KGK International Co., Yamazen USA, Inc., and Bridgeport Machines, Inc., however, allegedly

imported newly-designed wire EDMs in response to the Commission determination.

On May 9, 1990, Judge Milton I. Shadur of the U.S. District Court for the Northern District of Illinois issued a preliminary injunction effectively preventing circumvention of the Commission's remedial orders by the importation of wire EDMs incorporating the modified assemblies.

On May 21, 1990, complainants Elox and AGIE filed an emergency petition requesting modification of Commission relief to prevent respondents from circumventing the Commission's existing limited exclusion order and cease and desist orders. Complainants maintained that the availability of Sodick wire EDMs with modified wire guide and flushing assemblies constituted a changed circumstance under Commission interim rule 211.57(a). Notwithstanding the district court's order, complainants asserted that wire EDMs imported or sold with modified assemblies could be easily retrofitted with replacement nozzles of the design used in the prior assemblies, thereby putting into service Sodick with EDMs with the prior, infringing assemblies. Consequently, complainants argued that supplementation of the existing remedial orders to prohibit importing, selling, or otherwise dealing in the prior nozzles and related components for the prior assemblies was warranted.

On October 5, 1990, the district court's preliminary injunction expired, and on November 16, 1990, the Commission determined to provisionally accept complainants' petition to modify Commission relief. The modification proceeding was certified to the Chief ALJ for designation of a presiding ALJ.

On December 17, 1990, respondents filed a motion to terminate the modification proceeding and to stay discovery pending a ruling on their motion. Respondents based their motion upon the issuance of an order by the district court on December 12, 1990, reinstating those portions of the earlier preliminary injunction that were specifically designed to prevent circumvention of the Commission's limited exclusion and cease and desist order. On December 20, 1990, complainants filed a response to respondents' motion in which they stated that they did not oppose respondents' motion to terminate. The Commission investigative attorney filed a response to the motion in which he stated that he also did not oppose termination of the modification proceeding, based primarily upon complainants' position on the matter.



The presiding ALF held a hearing on respondents' motion to terminate on December 20, 1990. At the conclusion of the hearing, the ALJ orally granted the motion to terminate and, on January 14, 1991, issued a recommended determination (RD) to that effect. The RD holds that the reinstatement of the district court's injunction assures the integrity of the Commission's orders and effectively provides complainants with the same relief as could have been provided by modifying the Commission's remedial orders. The RD was certified to the Commission pursuant to Commission interim rule 211.57(b).

On February 13, 1991, the Commission published notice (56 FR 5839) of the RD terminating the modification proceeding pursuant to the Commission's notice of November 18, 1990 (55 FR 49438), providing interested members of the public, and other federal agencies with the opportunity to file written comments on the RD with in 10 days after publication of the notice of the RD. No comments were received.

After reviewing the RD, all information obtained in the modification proceeding, and all pertinent information on the record of Inv. No. 337-TA-290, the Commission determined to adopt the RD and terminate the modification proceeding.

The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in interim rule 211.57 (19 CFR 211.57).

Copies of all nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436; telephone: 202-252-1000.

Issued: March 20, 1991.

By order of the Commission.

Kenneth R. Mason,  
Secretary.

[FR Doc. 91-7192 Filed 3-26-91; 8:45 am]

BILLING CODE 7020-02-M

## DEPARTMENT OF JUSTICE

### Lodging of Stipulation and Agreement

Notice is hereby given that a Stipulation and Agreement was lodged on March 15, 1991, in the Bankruptcy Court for the District of New Jersey. The Stipulation and Agreement resolves a proof of claim filed by the United States on behalf of the Environmental Protection Agency in *In re Todd*

*Shipyards Corporation, et al.*, Case Nos. 87-5005 and 5006 (Bankr. D. N.J.). The proof of claim sought the recovery of response costs incurred by EPA in connection with four hazardous substance sites with respect to which the Debtors, Todd Shipyards and Todd Pacific Shipyards, had been notified of potential responsibility by EPA.

Under the terms of the proposed Stipulation, the Debtors agree to pay to the United States the sum of fifty-two thousand dollars (\$52,000.00) in exchange for the United States' covenant not to sue the Debtors for civil environmental liabilities, except natural resource damages, associated with the following sites: (1) Dutchtown Superfund Site, Ascension Parish, Louisiana; (2) Queen City Farms Superfund Site, Maple Valley, Washington; (3) Eagle Harbor Superfund Site, Bainbridge Island, Washington. Under the Stipulation, any environmental "claims" of the United States against the Debtors with respect to the Harbor Island Superfund Site in Seattle, Washington, will not be discharged.

The Department of Justice will receive comments relating to the proposed Stipulation and Agreement for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment & Natural Resources Division, Department of Justice, 10th and Pennsylvania Avenue, NW., Washington, DC 20530. All comments should refer to *In re Todd Shipyards Corp., et al.*, D.J. Ref. 90-11-2-366. The proposed Stipulation may be examined at the following offices of the United States Attorney and the Environmental Protection Agency ("EPA"):

#### United States Attorney's Office

Office of the United States Attorney,  
Attn: Janice Montana, 970 Broad  
Street, room 502, Newark, New Jersey  
07102.

#### EPA Region VI

Office of the Regional Counsel, Attn:  
Bruce Jones, U.S. Environmental  
Protection Agency, Region VI, 1445  
Ross Avenue, Dallas, Texas 75202-  
2733, (214) 655-2120.

#### EPA Region X

Office of the Regional Counsel, Attn:  
Edward Kowalski, 1200 6th Avenue,  
Seattle, Washington 98101.

Copies of the proposed Stipulation may also be examined at the Environmental Enforcement Document Center, 601 Pennsylvania Avenue, NW Washington, DC. A copy of the proposed Stipulation may be obtained

by mail from the Environmental Enforcement Section, Environment & Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. In requesting a copy of the decree, please enclose a check for copying costs in the amount of \$5.50 payable to Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Environment & Natural Resources Division, U.S. Department of Justice.

[FR Doc. 91-7245 Filed 3-26-91; 8:45 am]

BILLING CODE 4410-01-M

## Immigration and Naturalization Service

[Order No. 1484-91]

### Designation of Kuwait Under Temporary Protected Status Program

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice of designation of Kuwait under Temporary Protected Status Program.

**SUMMARY:** Under section 244A of the Immigration and Nationality Act (the Act), as amended (8 U.S.C. 1254a), nationals of foreign states (or parts thereof) designated by the Attorney General are eligible for Temporary Protected Status. Under section 244A(b) of the Act, the Attorney General may designate a foreign state (or part thereof) upon a finding that the foreign state is experiencing an ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions. In this order, the Attorney General designates Kuwait pursuant to section 244A(b).

**EFFECTIVE DATES:** This designation is effective on March 27, 1991, and will remain in effect for 12 months from March 27, 1992.

**FOR FURTHER INFORMATION CONTACT:** Edward J. Lynch, Special Assistant to the Commissioner for Policy, Immigration and Naturalization Service, 425 I Street, NW.—room 6038, Washington, DC 20536, telephone: (202) 514-2199.

### Notice of Designation of Kuwait Under Temporary Protected Status Program

By the authority vested in me under section 244A of the Immigration and Nationality Act, as amended, and as Attorney General, I find that there exist extraordinary and temporary conditions in Kuwait that prevent aliens who are nationals of Kuwait from returning to Kuwait in safety and permitting



nationals of Kuwait to remain temporarily in the United States is not contrary to the national interest of the United States. Accordingly, it is ordered as follows:

(1) Kuwait is designated under section 244A(b) of the Act and nationals of Kuwait may apply for Temporary Protected Status.

I estimate that there are no more than 10,000 Kuwaiti nationals, who are currently in nonimmigrant or unlawful status, eligible for Temporary Protected Status.

(3) Except as specifically provided in this notice, applications for Temporary Protected Status submitted by nationals of Kuwait must be filed pursuant to the provisions of 8 CFR part 240.

(4) Any alien who is a national of Kuwait and has been continuously physically present and has continuously resided in the United States since March 27, 1991, may apply for Temporary Protected Status within the 12 month period of designation from March 27, 1991, to March 27, 1992.

Dated: March 21, 1991.

Dick Thornburgh,  
Attorney General.

[FR Doc. 91-7188 Filed 3-27-91; 8:45 am]

BILLING CODE 4410-01-M

[Attorney General Order No. 1485-91]

#### Designation of Lebanon Under Temporary Protected Status Program

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice of designation of Lebanon under Temporary Protected Status Program.

**SUMMARY:** Under section 244A of the Immigration and Nationality Act (the Act), as amended (8 U.S.C. 1254a), nationals of foreign states (or parts thereof) designated by the Attorney General are eligible for Temporary Protected Status. Under section 244A(b) of the Act, the Attorney General may designate a foreign state (or part thereof) upon a finding that the foreign state is experiencing an ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions. In this order, the Attorney General designates Lebanon pursuant to section 244A(b).

**EFFECTIVE DATES:** This designation is effective on March 27, 1991, and will remain in effect for 12 months from March 22, 1991.

**FOR FURTHER INFORMATION CONTACT:** Edward J. Lynch, Special Assistant to the Commissioner for Policy, Immigration and Naturalization Service,

425 I Street, NW.—room 5038, Washington, DC 20536, telephone: (202) 514-2199.

#### Notice of Designation of Lebanon Under Temporary Protected Status Program

By the authority vested in me under section 244A of the Immigration and Nationality Act, as amended, and as Attorney General, I find that (a) There is an ongoing armed conflict within Lebanon and, due to such conflict, requiring the return of aliens who are nationals of Lebanon to that state would pose a serious threat to their personal safety and (b) there exist extraordinary and temporary conditions in Lebanon that prevent aliens who are nationals of Lebanon from returning to Lebanon in safety and permitting nationals of Lebanon to remain temporarily in the United States is not contrary to the national interest of the United States. Accordingly, it is ordered as follows:

(1) Lebanon is designated under section 244A(b) of the Act and nationals of Lebanon may apply for Temporary Protected Status.

(2) I estimate that there are no more than 27,000 Lebanese nationals, who are currently in nonimmigrant or unlawful status, eligible for Temporary Protected Status.

(3) Except as specifically provided in this notice, applications for Temporary Protected Status submitted by nationals of Lebanon must be filed pursuant to the provisions of 8 CFR part 240.

(4) Any alien who is a national of Lebanon and has been continuously physically present and has continuously resided in the United States since March 27, 1991, may apply for Temporary Protected Status within the 12-month period of designation from March 27, 1991, to March 27, 1992.

Dated: March 21, 1991.

Dick Thornburgh,  
Attorney General.

[FR Doc. 91-7190 Filed 3-26-91; 8:45 am]

BILLING CODE 4410-01-M

[Attorney General Order No. 1483-91]

#### Designation of Liberia Under Temporary Protected Status Program

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice of designation of Liberia under Temporary Protected Status Program.

**SUMMARY:** Under section 244A of the Immigration and Nationality Act (the Act), as amended (8 U.S.C. 1254a), nationals of foreign states (or parts thereof) designated by the Attorney

General are eligible for Temporary Protected Status. Under section 244A(b) of the Act, the Attorney General may designate a foreign state (or part thereof) upon a finding that the foreign state is experiencing an ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions. In this order, the Attorney General designates Liberia pursuant to section 244A(b).

**EFFECTIVE DATES:** This designation is effective on March 27, 1991, and will remain in effect for 12 months from March 27, 1991.

**FOR FURTHER INFORMATION CONTACT:** Edward J. Lynch, Special Assistant to the Commissioner for Policy, Immigration and Naturalization Service, 425 I Street, NW.—room 6038, Washington, DC 20536, telephone: (202) 514-2199.

#### Notice of Designation of Liberia Under Temporary Protected Status Program

By the authority vested in me under section 244A of the Immigration and Nationality Act, as amended, and as Attorney General, I find that (a) there is an ongoing armed conflict within Liberia and, due to such conflict, requiring the return of aliens who are nationals of Liberia to that state would pose a serious threat to their personal safety and (b) there exist extraordinary and temporary conditions in Liberia that prevent aliens who are nationals of Liberia from returning to Liberia in safety and permitting nationals of Liberia to remain temporarily in the United States is not contrary to the national interest of the United States. Accordingly, it is ordered as follows:

(1) Liberia is designated under section 244A(b) of the Act and nationals of Liberia may apply for Temporary Protected Status.

(2) I estimate that there are no more than 14,000 Liberian nationals, who are currently in nonimmigrant or unlawful status, eligible for Temporary Protected Status.

(3) Except as specifically provided in this notice, applications for Temporary Protected Status submitted by nationals of Liberia must be filed pursuant to the provisions of 8 CFR part 240.

(4) Any alien who is a national of Liberia and has been continuously physically present and has continuously resided in the United States since March 27, 1991 may apply for Temporary Protected Status within the 12 month period of designation from March 27, 1991, to March 27, 1992.



Dated: March 21, 1991.  
**Dick Thornburgh,**  
*Attorney General.*  
 [FR Doc. 91-7189 Filed 3-26-91; 8:45 am]  
**BILLING CODE 4410-01-M**

## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

#### Business Research Advisory Council; Meetings and Agenda

The regular Spring meetings of the Board and Committees of the Business Research Advisory Council will be held on April 17, 18 and 24, 1991. All of the meetings will be held in the General Accounting Office Building, 441 G Street, NW., Washington, DC.

The Business Research Advisory Board and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The schedule and agenda for the meetings are as follows:

Wednesday, April 17, 1991

10 a.m.—Committee on Compensation and Working Conditions, room 2736

1. Substance abuse treatment programs in health care plans,
2. Implementing pay reform legislation,
3. Publication of seasonally adjusted Employment Cost Index,
- Other Business.

1:30 p.m.—Committee on Productivity/  
Foreign Labor, room 2736

1. Report on BLS Conference on Economic Statistics for Economies in Transition: Eastern Europe in the 1990's,
2. Revisions of manufacturing output and productivity and recent trends in multifactor productivity measures,
3. Progress report on BLS international comparisons work,
4. BLS productivity measurement methods for service industries,
5. Discussion of suggestions for enhancing BRAC Committee's effectiveness,
6. Other business.

Thursday, April 18, 1991

9:30 a.m.—Committee on Employment and Unemployment, room 2734

1. Discussion: Federal Economic Indicators—BLS proposals to improve employment and unemployment data in support of the President's Federal Economic Indicator Improvement Program.
2. Project Status Reports,
  - a. Survey of training in industry,
  - b. Measurement of employment impact of foreign direct investment,
  - c. Pilot collection of job vacancy information,
  - d. Reconciling data from the household and establishment surveys,
  - e. BLS support of the DOL Immigration Reform Program.

3. Other business.

9:30 a.m.—Committee on Price Indexes,  
room 2736

1. Federal Economic Indicators Initiative,
  - a. Producer Price Indexes,
  - b. International Price Indexes,
  - c. Consumer Price Index.
2. Other business.

1 p.m.—Board of the Business Research  
Advisory Council, room 2736

1. Chairperson's opening remarks.
2. Commissioner's remarks,
3. Committee reports,
  - a. Committee on Compensation and Working Conditions,
  - b. Committee on Productivity/Foreign Labor,
  - c. Committee on Employment and Unemployment,
  - d. Committee on Price Indexes.
4. Other business.
5. Chairperson's closing remarks.

Wednesday, April 24, 1991

1 p.m.—Committee on Occupational Safety  
and Health Statistics, room 2736

1. Status report on the Safety and Health Statistical Redesign,
  - a. Pilot tests,
  - b. Impact of changes to recordkeeping system on statistical system,
  - c. Mine safety and health statistics.
2. Status report on census of fatal injuries.
3. Other business.

The meetings are open to the public. For further information contact Janice M. Devine, Liaison, Business Research Advisory Council on Area code (202) 523-1347.

Signed at Washington, DC the 19th day of March 1991.

**Janet L. Norwood,**

*Commissioner of Labor Statistics.*

[FR Doc. 91-7241 Filed 3-26-91; 8:45 am]

**BILLING CODE 4510-24-M**

#### Office of the Assistant Secretary for Veterans' Employment and Training

#### Secretary of Labor's Committee on Veterans' Employment; Meeting

The Secretary's Committee on Veteran's Employment was established under section 308, title III, Public Law 97-306 "Veterans Compensation, Education and Employment Amendments of 1982," to bring to the attention of the Secretary, problems and issues relating to veterans' employment.

Notice is hereby given that the Secretary of Labor's Committee on Veteran's Employment will meet on Tuesday, April 16, 1991, at 10 a.m. in the Secretary's Conference Room S-2508 of the Frances Perkins Building.

Written comments are welcome and may be submitted by addressing them to: Veterans' Employment and Training, U.S. Department of Labor, 200

Constitution Avenue, NW., Washington, DC 20210.

The primary agenda includes:

- Americans With Disabilities Act.
- Impact of Public Law 102-12, signed March 18, 1991, on Committee.

The public is invited.

Signed at Washington, DC this 20th day of March, 1991.

**Thomas E. Collins,**

*Assistant Secretary for Veterans' Employment and Training.*

[FR Doc. 91-7242 Filed 3-26-91; 8:45 am]

**BILLING CODE 4510-79-M**

## NATIONAL SCIENCE FOUNDATION

#### Animal Learning and Behavior Advisory Panel; Meeting

The National Science Foundation announces the following meeting:

*Name:* Advisory Panel for Animal Learning and Behavior.

*Date and Time:* April 17, 18, and 19, 1991, 8:30 a.m.-5 p.m.

*Place:* National Science Foundation, 1800 G Street, NW., Washington, DC room 523.

*Type of Meeting:*

Closed 4/17 8:30 a.m. to 5 p.m.

Open 4/18 9 a.m. to 11 a.m.

Closed 4/18 11 a.m. to 5 p.m.

Closed 4/19 8:30 a.m. to 5 p.m.

*Contact Person:* Dr. Fred Stollnitz, Program Director for Animal Behavior, National Science Foundation, Washington, DC 20550, room 320.

*Purpose of Meeting:* To provide advice and recommendations concerning support for research in animal learning and behavior.

*Agenda:* Open—To discuss research trends and opportunities in animal learning and behavior. Closed—To review and evaluate research proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of the Government in the Sunshine Act.

Dated: March 22, 1991.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 91-7194 Filed 3-25-91; 8:45 am]

**BILLING CODE 7555-01-M**



**Advisory Panel for Biochemistry; Meeting**

The National Science Foundation announces the following meeting.

*Name:* Advisory Panel for Biochemistry.  
*Date:* Thursday, Friday and Saturday, April 18, 19, and 20, 1991, 9 a.m. to 5 p.m.

*Place:* The Inn at Foggy Bottom, 824 New Hampshire Ave. NW., Washington, DC 20037.

*Type of meeting:* Closed.

*Contact person:* Dr. Marcia Steinberg, Program Director; Dr. Todd Martensen, Program Director, Biochemistry Program, Rm 325, Telephone (202) 357-7945.

*Purpose of advisory panel:* To provide advice and recommendations concerning support for Biochemistry research proposals.

*Agenda:* To review and evaluate research proposals as part of the selection process for awards.

*Reason for closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Dated: March 22, 1991.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 91-7198 Filed 3-26-91; 8:45 am]

BILLING CODE 7555-01-M

**Cell Biology Program Advisory Panel; Meeting**

The National Science Foundation announces the following meeting:

*Name:* Advisory Panel for Cell Biology Program.

*Dates and Time:* April 15, 16, 17, 1991, 8:30 a.m. to 5 p.m.

*Place:* Room 536, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

*Type of Meeting:*

Part Open—

Closed 04/15—8:30 a.m. to 5 p.m.

Open 04/16—12 p.m. to 1:30 p.m.

Closed 04/17—8:30 a.m. 5 p.m.

All other times the meeting is closed.

*Contact Person:* Dr. Maryanna P.

Henkart, Program Director, Cell Biology Program, room 321-J, National Science Foundation, Washington, DC 20550. Telephone 202/357-7474.

*Purposes of Advisory Panel:* To provide advice and recommendations concerning support for research in Cell Biology.

*Agenda:*

Open—General discussion of the current and future plans for the Cell Biology Program.

Closed—To review and evaluate research proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposal. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated: March 22, 1991.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 91-7195 Filed 3-26-91; 8:45 am]

BILLING CODE 7555-01-M

**Advisory Panel for Cellular Biochemistry Program; Meeting**

The National Science Foundation announces the following meeting:

*Name:* Advisory Panel for Cellular Biochemistry Program.

*Date and time:* April 18-20, 1991, 8:30 a.m. to 5 p.m.

*Place:* Room 1243, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

*Type of meeting:* Closed.

*Contact person:* Dr. Edward Leadbetter, Program Director, Cellular Biochemistry Program, room 321, National Science Foundation, Washington, DC 20550. Telephone (202) 357-7987.

*Purpose of advisory panel:* To provide advice and recommendations concerning support for research in cellular biochemistry and metabolism.

*Agenda:* To review and evaluate research proposals as part of the selection process for awards.

*Reason for closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated: March 22, 1991.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 91-7199 Filed 3-26-91; 8:45 am]

BILLING CODE 7555-01-M

**Advisory Panel for Developmental Neuroscience; Meeting**

The National Science Foundation announces the following meeting:

*Name:* Advisory Panel for Developmental Neuroscience.

*Date and time:* April 17-19, 1991, 9 a.m.-5 p.m.

*Place:* Georgetown Harbor Mews, 1000-29th St. NW., Washington, DC 20007

*Type of meeting:* Closed April 17, 9 a.m.-5 p.m., Closed April 18, 9 a.m.-5 p.m., Open April 19, 9 a.m.-11 a.m., Closed April 19, 11 a.m.-5 p.m.

*Contact person:* Dr. Martha C. Bohn, Program Director, Developmental Neuroscience, Rm. 320, National Science Foundation, Washington, DC 20550, Telephone (202) 357-7042.

*Purpose of meeting:* To provide advice and recommendations concerning support for research in developmental neuroscience.

*Agenda:* Open: To discuss trends and opportunities in developmental neuroscience. Closed: To review and evaluate research proposals as part of the selection process for awards.

*Reason for closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of the Government in the Sunshine Act.

Dated: March 22, 1991.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 91-7200 Filed 3-26-91; 8:45 am]

BILLING CODE 7555-01-M

**Special Emphasis Panel in Human Resource Development; Meeting**

**SUMMARY:** In accordance with the Federal Advisory Committee Act (Public Law 92-463, as amended), the National Science Foundation announces the following meeting.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

*Name:* Special Emphasis Panel in Human Resource Development.

*Dates/Times:* April 14, 1991 (6 p.m. to 10 p.m.), April 15-17, 1991 (8:30-5)

*Place:* Holiday Inn Crowne Plaza, 300 Army/Navy Drive, Arlington, Va.

*Type of Meeting:* Closed.

*Agenda:* Review and evaluate Alliances for Minority Participation (AMP) implementation proposals.

*Contact:* Ana M. Guzman and William E. McHenry, Program Directors,



Alliances for Minority Participation,  
National Science Foundation, rm. 1225,  
Washington, DC 20550 (202-357-7461).

Dated: March 22, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-7202 Filed 2-26-91; 8:45 am]

BILLING CODE 7555-01-M

### Linguistics Advisory Panel; Meeting

The National Science Foundation  
announces the following meeting:

*Name:* Advisory Panel for Linguistics.

*Date & Time:* April 17-19, 1990, 9 a.m.  
to 5 p.m. each day.

*Place:* Georgetown Mews, 1000 29th  
Street, NW., Washington, DC 20007.

*Type of Meeting:*

Part Open—

Closed 4/17-9 a.m. to 5 p.m.

Closed 4/18-9 a.m. to 5 p.m.

Open 4/19-9 a.m. to 12 noon.

Closed 4/19-12 noon to 5 p.m.

*Contact Person:* Dr. Paul G. Chapin,  
Program Director for Linguistics, room  
320, National Science Foundation,  
Washington, DC 20550; (202) 357-7696.

*Purpose of Meeting:* To provide  
advice and recommendations  
concerning support for research in  
linguistics.

*Agenda:*

Open—General discussion of the  
current status and future plans of  
the Linguistics Program.

Closed—To review and evaluate  
research proposals as part of the  
selection process for awards.

*Reason for closing:* The proposals  
being reviewed include information of a  
proprietary or confidential nature,  
including technical information;  
financial data, such as salaries; and  
personal information concerning  
individuals associated with the  
proposals. These matters are within  
exemptions (4) and (6) of the  
Government in the Sunshine Act.

Dated: March 22, 1991.

M. Rebecca Winkler,

Committee Manager Officer.

[FR Doc. 91-7196 Filed 3-26-91; 8:45 am]

BILLING CODE 7555-01-M

### Advisory Panel for Sensory Systems; Meeting

The National Science Foundation  
announces the following meeting:

*Name:* Advisory Panel for Sensory Systems

*Date and time:* April 15-17, 1991, 9 a.m.-5  
p.m.

*Place:* National Science Foundation, 1800 G  
Street, NW., room 1243, Washington, DC  
20550

*Type of meeting:* Closed April 15, 9 a.m.-5  
p.m., Open April 16, 9-11 p.m., Closed April  
16, 11 a.m.-5 p.m., Closed April 17, 9 a.m.-5  
p.m.

*Contact person:* Dr. Christopher Platt,  
Program Director, Sensory Systems, Room  
320, National Science Foundation,  
Washington, DC 20550, Telephone (202) 357-  
7428.

*Purpose of meeting:* To provide advice and  
recommendations concerning support for  
research in sensory systems neuroscience.

*Agenda:* Open: To discuss trends and  
opportunities in sensory research. Closed: To  
review and evaluate research proposals as  
part of the selection process for awards.

*Reason for closing:* The proposals being  
reviewed include information of a proprietary  
or confidential nature, including technical  
information; financial data, such as salaries;  
and personal information concerning  
individuals associated with the proposals.  
These matters are within exemptions 4 and 6  
of the Government in the Sunshine Act.

Dated: March 22, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-7201 Filed 3-26-91; 8:45 am]

BILLING CODE 7555-01-M

### Systematic Collections Advisory Panel; Meeting

The National Science Foundation  
announces the following meeting:

*Name:* Advisory Panel for Systematic  
Collections.

*Dates and Time:* April 19, 1991, 9 a.m.-  
5 p.m.

*Place:* National Science Foundation,  
room 540B, 1800 G. Street, NW.,  
Washington, DC 20550.

*Type of Meeting:* Closed.

*Contact Person:* Dr. John E. Yellen,  
Program Director, for Anthropology,  
room 320, National Science Foundation,  
Washington, DC 20550, Telephone (202)  
357-7804.

*Purpose of Meeting:* To provide  
advice and recommendations  
concerning support for research in  
Archaeology.

*Agenda:* To review and evaluate  
research proposals as part of the  
selection process for awards.

*Reason for Closing:* The proposals  
being reviewed include information of a  
proprietary or confidential nature,  
including technical information;  
financial data, such as salaries; and  
personal information concerning  
individuals associated with the  
proposals. These matters are within  
exemptions 4 and 6 of the Government  
in the Sunshine Act.

Dated: March 22, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-7197 Filed 3-26-91; 8:45 am]

BILLING CODE 7555-01-M

### SECURITIES AND EXCHANGE COMMISSION

**Self-Regulatory Organizations;  
Applications for Unlisted Trading  
Privileges and of Opportunity for  
Hearing; Midwest Stock Exchange, Inc.**

March 21, 1991.

The above named national securities  
exchange has filed applications with the  
Securities and Exchange Commission  
("Commission") pursuant to section  
12(f)(1)(B) of the Securities Exchange  
Act of 1934 and rule 12f-1 thereunder for  
unlisted trading privileges in the  
following securities:

The E.W. Scripps Co.

Class A Common Stock, \$.01 Par Value  
(File No. 7-6652)

Destec Energy Inc.

Common Stock, \$.01 Par Value (File No. 7-  
6653)

Pioneer Electronics Corporation

American Depositary Receipts (new  
representing one share of Common Stock  
(File No. 7-6654)

Grand Metropolitan Plc

American Depositary Shares each  
representing two Ordinary Shares, 50p  
Par Value (File No. 7-6655)

These securities are listed and  
registered on one or more other national  
securities exchange and are reported in  
the consolidated transaction reporting  
system.

Interested persons are invited to  
submit on or before April 15, 1991,  
written data, views and arguments  
concerning the above-referenced  
applications. Persons desiring to make  
written comments should file three  
copies thereof with the Secretary of the  
Securities and Exchange Commission,  
450 Fifth Street, NW., Washington, DC  
20549. Following this opportunity for  
hearing, the Commission will approve  
the applications if it finds, based upon  
all the information available to it, that  
the extensions of unlisted trading  
privileges pursuant to such applications  
are consistent with the maintenance of  
fair and orderly markets and the  
protection of investors.

For the Commission, by the Division of  
Market Regulation, pursuant to delegated  
authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 91-7145 Filed 3-26-91; 8:45 am]

BILLING CODE 8010-01-M



**Self-Regulatory Organizations;  
Applications for Unlisted Trading  
Privileges and of Opportunity for  
Hearing; Pacific Stock Exchange, Inc.**

March 21, 1991.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Epitope, Inc.

Common Stock, No Par Value (File No. 7-6656)

Grand Metropolitan Plc

American Depositary Receipts (File No. 7-6657)

JWP, Inc.

Common Stock, \$10 Par Value (File No. 7-6658)

OEA, Inc.

Common Stock, \$10 Par Value (File No. 7-6659)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 15, 1991, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 91-7146 Filed 3-26-91; 8:45 am]

BILLING CODE 8010-01-M

**Self-Regulatory Organizations;  
Applications for Unlisted Trading  
Privileges and of Opportunity for  
Hearing; Philadelphia Stock Exchange,  
Incorporated**

March 21, 1991.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section

12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

RJR Nabisco Holding Corporation

Common Stock, When Issued (File No. 7-6640)

The E. W. Scripps Company

Class A Common Stock, \$0.01 Par Value (File No. 7-6641)

Grand Metropolitan Plc

American Depositary Shares (File No. 7-6642)

Flexible Bond Trust

Common Stock, \$0.001 Par Value (File No. 7-6643)

Hampton Utilities Trust

Capital Stock, \$0.01 Par Value (File No. 7-6644)

RAC Income Fund, Inc.

Common Stock, \$0.01 Par Value (File No. 7-6645)

Martech USA, Inc.

Common Stock, \$0.01 Par Value (File No. 7-6646)

Real Estate Securities Income Fund

Common Stock, \$0.01 Par Value (File No. 7-6647)

Destec Energy, Inc.

Common Stock, \$0.01 Par Value (File No. 7-6648)

Frederick's of Hollywood, Inc.

Capital Stock, \$1.00 Par Value (File No. 7-6649)

United Water Resources, Inc.

Common Stock, No Par Value (File No. 7-6650)

Nabors Industries, Inc.

Common Stock, \$0.10 No Par Value (File No. 7-6651)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 15, 1991, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 91-7147 Filed 3-21-91; 8:45 am]

BILLING CODE 8010-01-M

**SMALL BUSINESS ADMINISTRATION**

[Declaration of Economic Injury Disaster  
Loan Area #7170; Amdt #1]

**North Carolina; Declaration of Disaster  
Loan Area**

The above-numbered Declaration is hereby amended to include Currituck County which was inadvertently omitted as a contiguous county in the Economic Injury Disaster Declaration of November 8, 1990 resulting from the collapse of the Herbert C. Bonner Bridge which occurred on October 26, 1990. Eligible small business without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on August 8, 1991 at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

or other locally announced locations. The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

(Catalog of Federal Domestic Assistance  
Program No. 59002.)

Dated: March 15, 1991.

**Alfred E. Judd,**

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 91-7136 Filed 3-26-91; 8:45 am]

BILLING CODE 8025-01-M

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety  
Administration**

[Docket No. 79-17; Notice 41]

**New Car Assessment Program;  
Comparing NCAP Crash Test Results  
and Real-World Crash Data**

**AGENCY:** National Highway Traffic  
Safety Administration (NHTSA), DOT.

**ACTION:** Notice of closing a docket.

**SUMMARY:** This notice announces the agency's decision to close the docket for Notice 37 of Docket 79-17. That docket contains information submitted in response to a request for comments about ways to better correlate the crash test results from the New Car Assessment Program (NCAP) with real world crash data. The comments confirmed the agency's initial belief that currently there are insufficient real-world data to determine whether a correlation exists between NCAP test



crashes and real-world crash data. Accordingly, the docket no longer needs to remain open.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Hackney, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202) 366-5282.

**SUPPLEMENTARY INFORMATION:** Title II of the Motor Vehicle Information and Cost Savings Act requires the agency to develop and disseminate comparative information about the crashworthiness, damage susceptibility, and repair of motor vehicles. Pursuant to this requirement, the New Car Assessment Program (NCAP) generates comparative information about frontal crashworthiness in the form of dummy injury measurements on selected vehicles which are crashed head-on into a fixed barrier at 35 mph.

Since the NCAP program's inception, the National Highway Traffic Safety Administration (NHTSA) has warned that even though NCAP provides important comparative information, it has significant limitations. The program only monitors certain types of injuries resulting from frontal impact tests into a fixed barrier at one test speed. Another important concern has been the uncertain relationship of the NCAP test results to real-world crashes, situations about which it is difficult to obtain precise information (e.g., the precise speed of vehicles in a crash, accurate reported usage of occupant protection devices, etc.). This concern prompted the agency to issue a report about studies which attempt to determine whether a relationship exists between NCAP crash test results and real-world crash injuries and fatalities. These studies indicated that there were often insufficient crash data to permit proper comparisons.

The agency requested comments about the feasibility of comparing NCAP crash test results with real world crash data. (53 FR 9444, March 25, 1988). In particular, the notice sought comments concerning sources of real-world crash

data and the agency's report about existing studies on this issue. The notice also requested suggestions about methods and assumptions for conducting real-world correlation analysis of NCAP which would provide statistically valid conclusions and be a logical and defensible methodology.

Four vehicle manufacturers and the Insurance Institute for Highway Safety (IIHS) commented on the notice. Chrysler, General Motors (GM), Ford, and Volkswagen stated that it is difficult to correlate NCAP crash test results with real-world crash data. The manufacturers also stated that the existing studies have not been able to correlate sufficiently and adequately NCAP test results with real-world crash data. IIHS commented that while most studies did not adequately control for crash severity, two of its studies provided a reasonable degree of correlation between the NCAP test results and real-world crashes.

According to the commenters, difficulties in evaluating correlation between NCAP tests and real-world crash data stem from the following factors: Limited field data which correspond to NCAP test conditions, variability and uncertainty in the real-world data, and injury criteria in NCAP which do not represent all real-world injury mechanisms. The commenters provided no new suggestions for improving methods and assumptions for conducting real-world correlations with NCAP test results. The only suggestion was to wait for additional data on restrained front seat occupants which were expected to increase given the enactment of mandatory safety belt use laws.

After reviewing the comments about ways to correlate NCAP test results with real-world crash data, NHTSA has decided to close the docket for Notice 37 of Docket 79-17. The docket comments confirmed the agency's initial belief, as stated in the notice requesting comments, that there currently are insufficient real-world data to determine whether a correlation exists between NCAP test crashes and real-world crash

data. In addition, the commenters were not able to offer suggestions about ways to make the NCAP test crashes more representative of real-world crash data. Based on the above, this notice announces the agency's decision to close Docket No. 79-17, Notice 37.

Nevertheless, as additional real-world data on restrained front-seat occupants in frontal crashes become available, the agency will evaluate the potential for comparisons to the NCAP test results. It is possible that if more relevant data become available, additional correlation analyses could be made by the National Center for Statistics and Analysis. Any additional information would be submitted to Docket No. 79-17, General Reference.

Issued on: March 21, 1991.

Barry Felrice,

Associated Administrator for Rulemaking.

[FR Doc. 91-7166 Filed 3-26-91; 8:45 am]

BILLING CODE 4910-59-M

## Research and Special Programs Administration

### Grants and Denials of Applications for Exemptions

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** Notice of Grants and Denials of Applications for Exemptions.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given of the exemptions granted in May Thru November 1990. The modes of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letter EE represent applications for Emergency Exemptions.

### RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
868-X	DOT-E 868	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.3(a), 173.7(a), 174.10, 174.104(f), 174.8, 177.801, 177.806(a).	To authorize exceptions to requirements for carrier inspection of manufacture, vehicle, loading, etc. for transportation of Class A and B explosives loaded by Department of Defense shippers in DOT Specification containers. (Modes 1 and 2.)
2000-X	DOT-E 2000	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To authorize use of a non-DOT specification portable tank or a DOT specification 4L cylinder, for shipment of flammable liquefied compressed gases. (Mode 1.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2000-X	DOT-E 2000	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To authorize use of a non-DOT specification portable tank or a DOT specification 4L cylinder, for shipment of flammable liquefied compressed gases. (Mode 1.)
2000-X	DOT-E 2000	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To authorize use of a non-DOT specification portable tank or a DOT specification 4L cylinder, for shipment of flammable liquefied compressed gases. (Mode 1.)
2000-X	DOT-E 2000	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To authorize use of a non-DOT specification portable tank or a DOT specification 4L cylinder, for shipment of flammable liquefied compressed gases. (Mode 1.)
2582-X	DOT-E 2582	Advance Research Chemicals, Inc., Catoosa, OK.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To authorize shipment of certain hazardous materials in cylinders made in compliance with DOT Specification 3E1800, with certain exceptions. (Modes 1, 2, 3, 4.)
2582-X	DOT-E 2582	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To authorize shipment of certain hazardous materials in cylinders made in compliance with DOT Specification 3E1800, with certain exceptions. (Modes 1, 2, 3, 4.)
2582-X	DOT-E 2582	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To authorize shipment of certain hazardous materials in cylinders made in compliance with DOT Specification 3E1800, with certain exceptions. (Modes 1, 2, 3, 4.)
2582-X	DOT-E 2582	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To authorize shipment of certain hazardous materials in cylinders made in compliance with DOT Specification 3E1800, with certain exceptions. (Modes 1, 2, 3, 4.)
2582-X	DOT-E 2582	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To authorize shipment of certain hazardous materials in cylinders made in compliance with DOT Specification 3E1800, with certain exceptions. (Modes 1, 2, 3, 4.)
2582-X	DOT-E 2582	Ozark-Mahoning Co., Tulsa, OK.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To authorize shipment of certain hazardous materials in cylinders made in compliance with DOT Specification 3E1800, with certain exceptions. (Modes 1, 2, 3, 4.)
2582-X	DOT-E 2582	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To authorize shipment of certain hazardous materials in cylinders made in compliance with DOT Specification 3E1800, with certain exceptions. (Modes 1, 2, 3, 4.)
2582-X	DOT-E 2582	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To authorize shipment of certain hazardous materials in cylinders made in compliance with DOT Specification 3E1800, with certain exceptions. (Modes 1, 2, 3, 4.)
2709-X	DOT-E 2709	Atlantic Research Corp., Gainesville, VA.	49 CFR 173.62, 173.93, 176.76(h), 177.821, 177.834(L)(1), 177.835(k), 46 CFR Part 146.	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Modes 1 and 3.)
2709-X	DOT-E 2709	Atlas Powder Co., Dallas, TX.	49 CFR 173.62, 173.93, 176.76(h), 177.821, 177.834(L)(1), 177.835(k), 46 CFR Part 146.	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Modes 1 and 3.)
2709-X	DOT-E 2709	Hercules, Inc., Wilmington, DE.	49 CFR 173.62, 173.93, 176.76(h), 177.821, 177.834(L)(1), 177.835(k), 46 CFR Part 146.	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Modes 1 and 3.)
2709-X	DOT-E 2709	United Technologies Corp., San Jose, CA.	49 CFR 173.62, 173.93, 176.76(h), 177.821, 177.834(L)(1), 177.835(k), 46 CFR Part 146.	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Modes 1 and 3.)
2709-X	DOT-E 2709	IRECO, Inc., Salt Lake City, UT.	49 CFR 173.62, 173.93, 176.76(h), 177.821, 177.834(L)(1), 177.835(k), 46 CFR Part 146.	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Modes 1 and 3.)
2709-X	DOT-E 2709	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.62, 173.93, 176.76(h), 177.821, 177.834(L)(1), 177.835(k), 46 CFR Part 146.	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Modes 1 and 3.)
2709-X	DOT-E 2709	Trojan Corp., Spanish Fork, UT.	49 CFR 173.62, 173.93, 176.76(h), 177.821, 177.834(L)(1), 177.835(k), 46 CFR Part 146.	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Modes 1 and 3.)
2709-X	DOT-E 2787	Raytheon Co., Andover, MA.	49 CFR 173.302(a)(1), 175.3	To authorize shipment of certain nonflammable compressed gases, in non-DOT specification pressure vessels equipped with a regulating valve, a pressure relief valve, and a squibb actuated valve. (Modes 1, 2, 3, 4.)
3004-P	DOT-E 3004	Narox, Inc., Hopewell, VA.	49 CFR 173.302, 175.3	To become a party to exemption 3004 (Modes 1, 2, 4, 5.)
3095-P	DOT-E 3095	Copeland Acid Service, Inc., Augusta, KS.	49 CFR 173.119(a), 173.245(a), 173.248(a), 173.263(a), 173.264, 173.283, 173.289, 173.342-5, 173.343-5.	To become a party to exemption 3095 (Modes 1 and 3.)
3095-X	DOT-E 3095	Dow Chemical Co., Midland, MI.	49 CFR 173.119(a), 173.245(a), 173.248(a), 173.263(a), 173.264, 173.283, 173.289, 173.342-5, 173.343-5.	To authorize use of non-DOT specification cargo tank, for shipment of certain hazardous materials. (Modes 1 and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3095-X	DOT-E 3095	Dowell Schlumberger, Inc., Tulsa, OK.	49 CFR 173.119(a), 173.245(a), 173.248(a), 173.263(a), 173.264, 173.283, 173.289, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tank, for shipment of certain hazardous materials. (Modes 1 and 3.)
3142-X	DOT-E 3142	U.S. Department of Energy, Albuquerque, NM.	49 CFR 173.24(a)(1).	To authorize shipment of nonflammable compressed gases in DOT Specification 3A1800 or 3A2000 cylinders, from which a controlled flow of gas is released to a leak calibration apparatus. (Modes 1 and 2.)
3187-X	DOT-E 3187	PPG Industries, Inc., Pittsburg, PA.	49 CFR 173.119(m), 173.21(b), 173.218, 173.221(a)(3).	To authorize shipment of flammable liquids or organic peroxides in various non-DOT and DOT Specification containers. (Mode 1.)
3216-X	DOT-E 3216	Atochem North America, Inc., Philadelphia, PA.	49 CFR 173.314(c).	To authorize use of a proposed DOT Specification 110A3000W tank car tank, for transportation of certain compressed gases. (Modes 1 and 3.)
3216-X	DOT-E 3216	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.314(c).	To authorize use of a proposed DOT Specification 110A300W tank car tank, for transportation of certain flammable compressed gases. (Modes 1 and 3.)
3330-X	DOT-E 3330	General Electric Co., Schenectady, NY.	49 CFR 173.214(b), 173.214(d).	To authorize use of non-DOT specification insulated containers overpacked in DOT Specification 17C, 17H, or 37A metal drums, for transportation of certain flammable solid materials. (Modes 1 and 2.)
3330-X	DOT-E 3330	Teledyne Wah Chang Albany Corp., Albany, OR.	49 CFR 173.214(b), 173.214(d).	To authorize use of non-DOT specification insulated containers overpacked in DOT Specification 17C, 17H, or 37A metal drums, for transportation of certain flammable solid materials. (Modes 1 and 2.)
3330-X	DOT-E 3330	Western Zirconium, Inc., Ogden, UT.	49 CFR 173.214(b), 173.214(d).	To authorize use of non-DOT specification insulated containers overpacked in DOT Specification 17C, 17H, or 37A metal drums, for transportation of certain flammable solid materials. (Modes 1 and 2.)
3330-X	DOT-E 3330	Babcock and Wilcox Co., Lynchburg, VA.	49 CFR 173.214(b), 173.214(d).	To authorize use of non-DOT specification insulated containers overpacked in DOT Specification 17C, 17H, or 37A metal drums, for transportation of certain flammable solid materials. (Modes 1 and 2.)
3330-P	DOT-E 3330	UNC Naval Products, Uncasville, CT.	49 CFR 173.214(b), 173.214(d).	To become a party to exemption 3330 (Modes 1 and 2.)
3630-X	DOT-E 3630	Mallinckrodt, Inc., Paris, KY	49 CFR 177.839(a), 177.839(b).	To authorize use of a DOT Specification 33A polystyrene case to contain four 5-pint glass bottles of nitric acid. (Mode 1.)
3630-X	DOT-E 3630	J.T. Baker, Inc., Phillipsburg, NJ	49 CFR 177.839(a), 177.839(b).	To authorize use of a DOT Specification 33A polystyrene case to contain four 5-pint glass bottles of nitric acid. (Mode 1.)
3768-X	DOT-E 3768	Vanchem, Inc., Lockport, NY	49 CFR 173.119, 173.245, 173.288.	To authorize use of DOT Specification MC-304, MC-307 and MC-312 cargo tanks, for transportation of certain flammable and corrosive liquids. (Mode 1.)
4242-X	DOT-E 4242	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.134, 173.87.	To authorize use of a non-DOT specification aluminum pressure vessel, for transportation of certain pyroforic mixture. (Modes 4 and 5.)
4338-P	DOT-E 4338	The Goodyear Tire & Rubber Co., Beaumont, TX.	49 CFR 173.119(m), 173.245a, 173.247, 174.63(b).	To become a party to exemption 4338 (Modes 1, 2, 3.)
4338-X	DOT-E 4338	Akzo Chemicals, Inc., Chicago, IL	49 CFR 173.119(m), 173.245a, 173.247, 174.63(b).	To renew and to provide shipment of triisobutylvanadate, classed as a flammable liquid, in DOT Specification 51 portable tanks. (Modes 1, 2, 3.)
4338-X	DOT-E 4338	Rhone-Poulenc Basic Chemicals Co., Shelton, Ct.	49 CFR 173.119(m), 173.245a, 173.247, 174.63(b).	To renew and to provide ship of triisobutylvanadate, classed as a flammable liquid, in DOT Specification 51 portable tanks. (Modes 1, 2, 3.)
4453-X	DOT-E 4453	Roundup Powder Co., Inc., Miles City, MT.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-P	DOT-E 4453	Pepin-Ireco, Inc., Ishpeming, MI	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (Modes 1 and 3.)
4453-P	DOT-E 4453	Bob Gibson Powder Co., Inc., Vansant, VA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (Modes 1 and 3.)
4453-P	DOT-E 4453	Richland Coal Co., Barboursville, KY.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (Modes 1 and 3.)
4452-P	DOT-E 4453	Southwestern Explosives, Inc., Cleveland, OH.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (Modes 1 and 3.)
4453-X	DOT-E 4453	Ren-Loi, Inc., Cuddy, PA	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent n.o.s., of ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Explo, Inc., Cuddy, PA	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent n.o.s., of ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Blasting Products, Inc., Cuddy, PA	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent n.o.s., of ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
4453-X	DOT-E 4453	H.L. & A.G. Balsinger, Inc., Cuddy, PA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., of ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Mountaineer Explosives, Inc., Cuddy, PA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., of ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-P	DOT-E 4453	Alaska-Pacific Powder Co., Anchorage, AK.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453 (Modes 1 and 3.)
4453-X	DOT-E 4453	Wampum Hardware Co., New Galilee, PA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., of ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Mining Services International Corp., (MSI) Salt Lake City, UT.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., of ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Atlas Powder Company, Dallas, TX.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., of ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Reed Explosives, Inc., Blountsville, AL.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., of ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	A.M. Contracting, Grove City, PA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., of ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Maynes Explosives Company, Lee's Summit, MO.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., of ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Woodward Explosives, Inc., Albuquerque, NM.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., of ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Explosives Technologies International, Inc. (ETI), Wilmington, DE.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	SherDeb Corporation, Lehigh Valley, PA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Laurel Explosives, Inc., East Bernstadt, KY.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Kentucky Powder Company, Lexington, KY.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Maurer & Scott, Inc., Lehigh Valley, PA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Quick Supply Company, Des Moines, IA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Strawn Explosives, Inc., Hurst, TX.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Cherokee Products, Inc., Jefferson City, TN.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Ladshaw Explosives, Inc., New Braunfels, TX.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
4453-X	DOT-E 4453	Energy Ventures Corp. dba, Columbus Powder Company, Columbus, IN.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4453-X	DOT-E 4453	Austin Powder Company, Cleveland, OH.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
4575-X	DOT-E 4575	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 173.314(c), 173.315(a)	To authorize use of DOT Specification 106A500X and 110A500W multi unit tank car tanks; DOT Specification 105A300W, 112A340W, 114A340W tank car tanks and the proposed AAR 120A300W, 112A340W tank cars, for transportation of certain liquefied compressed gases. (Modes 1, 2, 3.)
4575-X	DOT-E 4575	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.314(c), 173.315(a)	To authorize use of DOT Specification 106A500X and 110A500W multi unit tank car tanks; DOT Specification 105A300W, 112A340W, 114A340W tank car tanks and the proposed AAR 120A300W, 112A340W tank cars, for transportation of certain liquefied compressed gases. (Modes 1, 2, 3.)
4575-X	DOT-E 4575	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.314(c), 173.315(a)	To authorize use of DOT Specification 106A500X and 110A500W multi unit tank car tanks; DOT Specification 105A300W, 112A340W, 114A340W tank car tanks and the proposed AAR 120300W, 112A340W tank cars, for transportation of certain liquefied compressed gases. (Modes 1, 2, 3.)
4575-X	DOT-E 4575	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.314(c), 173.315(a)	To authorize use of DOT Specification 106A500X and 110A500W multi unit tank car tanks; DOT Specification 105A300W, 112A340W, 114A340W tank car tanks and the proposed AAR 120300W, 112A340W tank cars, for transportation of certain liquefied compressed gases. (Modes 1, 2, 3.)
4575-X	DOT-E 4575	Racon, Inc., Wichita, KS.	49 CFR 173.314(c), 173.315(a)	To authorize use of DOT Specification 106A500X and 110A500W multi unit tank car tanks; DOT Specification 105A300W, 112A340W, 114A340W tank car tanks and the proposed AAR 120300W, 112A340W tank cars, for transportation of certain liquefied compressed gases. (Modes 1, 2, 3.)
4575-X	DOT-E 4575	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.314(c), 173.315(a)	To authorize use of DOT Specification 106A500X and 110A500W multi unit tank car tanks; DOT Specification 105A300W, 112A340W, 114A340W tank car tanks and the proposed AAR 120300W, 112A340W tank cars, for transportation of certain liquefied compressed gases. (Modes 1, 2, 3.)
4575-X	DOT-E 4575	Linda Gases of the Southeast, Inc., Wilmington, NC.	49 CFR 173.314(c), 173.315(a)	To authorize use of DOT Specification 106A500X and 110A500W multi unit tank car tanks; DOT Specification 105A300W, 112A340W, 114A340W tank car tanks and the proposed AAR 120300W, 112A340W tank cars, for transportation of certain liquefied compressed gases. (Modes 1, 2, 3.)
4575-X	DOT-E 4575	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	49 CFR 173.314(c), 173.315(a)	To authorize use of DOT Specification 106A500X and 110A500W multi unit tank car tanks; DOT Specification 105A300W, 112A340W, 114A340W tank car tanks and the proposed AAR 120300W, 112A340W tank cars, for transportation of certain liquefied compressed gases. (Modes 1, 2, 3.)
4588-X	DOT-E 4588	U.S. Department of Energy, Albuquerque, NM.	49 CFR 173.65(a)	To authorize use of packaging not presently prescribed for certain high explosives. (Mode 1.)
4726-X	DOT-E 4726	U.S. Department of Energy, Washington, DC.	49 CFR 173.245	To authorize transport of certain liquid metal fluorides, in non-DOT specification monel cylinders, overpacked in a strong wooden box with cushioning material. (Mode 1.)
4734-X	DOT-E 4734	General Electric Company—Sili-cones, Waterford, NY.	49 CFR 173.119(m), 173.135(a)(9), 173.136(a)(8), 173.280(a)(8).	To authorize use of modified DOT Specification MC-331 cargo tanks, for transportation of certain flammable liquids and corrosive materials. (Mode 1.)
4803-X	DOT-E 4803	Dowell Schlumberger, Inc., Tulsa, OK.	49 CFR 173.245, 173.248, 173.249, 173.263, 173.272, 173.289, 178.343-5.	To authorize use of non-DOT specification cargo tank motor vehicles, for shipment of certain corrosive liquids. (Mode 1.)
5022-X	DOT-E 5022	National Aeronautics & Space Administration, (NASA) Washington, DC.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1 and 2.)
5022-X	DOT-E 5022	United Technologies Corporation, San Jose, CA.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1 and 2.)
5022-X	DOT-E 5022	Thiokol Corporation, Elkton Division, Elkton, MD.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1 and 2.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5022-X	DOT-E 5022	U.S. Department of Defense, Falls Church, VA.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1 and 2.)
5022-X	DOT-E 5022	Atlantic Research Corporation, Gainesville, VA.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1 and 2.)
5022-X	DOT-E 5022	McDonnell Douglas Space Systems Company, Huntington Beach, CA.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1 and 2.)
5022-X	DOT-E 5022	Hercules Aerospace Products Group, Magna, UT.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1 and 2.)
5022-X	DOT-E 5022	Aerojet Propulsion Division, Sacramento, CA.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1 and 2.)
5022-X	DOT-E 5022	Boeing Aerospace and Electronics, Seattle, WA.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(L)(1).	To authorize shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1 and 2.)
5038-X	DOT-E 5038	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 173.119, 173.135(a)(b), 173.136(a)(5), 173.247(a)(1), 173.346, 173.620, 173.630, 175.3.	To authorize shipment of dimethyldichlorosilane, trichlorosilane, other specifically identified flammable liquids, silicon tetrachloride, carbon tetrachloride and chloroform, in non-DOT specification type 304 stainless steel cylinders. (Modes 1, 2, 3, 4.)
5206-X	DOT-E 5206	Amos L. Dolby Company, Corsica, PA.	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
5206-X	DOT-E 5206	Nelson Brothers, Inc., Parish, AL	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
5206-P	DOT-E 5206	Green Mountain Explosives, Inc., Auburn, NH.	49 CFR 173.114a	To become a party to exemption 5206 (Mode 1.)
5206-X	DOT-E 5206	Atlas Powder Company, Dallas, TX.	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
5206-X	DOT-E 5206	El Dorado Chemical Company, St. Louis, MO.	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
5206-X	DOT-E 5206	Austin Powder Company, Cleveland, OH.	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
5232-X	DOT-E 5232	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.314(c) Table	To authorize shipment of certain flammable and non-flammable liquefied compressed gases in AAR Specification 120A300W tank cars and DOT Specification 105A500W tank cars. (Mode 2.)
5248-X	DOT-E 5248	3M Company, New Brighton, MN	49 CFR 173.431(a), 175.3	To authorize shipment of a certain quantity of polonium-210 in any DOT Specification approved outer Type A packaging. (Modes 1, 2, 4.)
5493-X	DOT-E 5493	Montana Sulphur & Chemical Company, Billings, MT.	49 CFR 172.504(a), 173.314(c)	To authorize shipment of hydrogen sulfide in DOT Specification 105A600W tank cars. (Mode 2.)
5600-P	DOT-E 5600	Liquid Air Corporation, Walnut Creek, CA.	49 CFR 175.3, Part 173, Subparts D, F, G.	To become a party to exemption 5600 (Modes 1, 2, 4.)
5600-X	DOT-E 5600	Airco Electronic Gases, San Marcos, CA.	49 CFR 175.3, Part 173, Subparts D, F, G.	To authorize transport of flammable or nonflammable compressed gases, flammable, corrosive liquids or oxidizers presently authorized to be shipped in a DOT Specification 3A cylinder, to be shipped in a non-DOT specification cylinder made to DOT-3A specification with certain exceptions. (Modes 1, 2, 4.)
5600-X	DOT-E 5600	Amoco Oil Company, Whiting, IN	49 CFR 175.3, Part 173, Subparts D, F, G.	To authorize transport of flammable or nonflammable compressed gases, flammable, corrosive liquids or oxidizers presently authorized to be shipped in a DOT Specification 3A cylinder, to be shipped in a non-DOT specification cylinder made to DOT-3A specification with certain exceptions. (Modes 1, 2, 4.)
5600-X	DOT-E 5600	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 175.3, Part 173, Subparts D, F, G.	To authorize transport of flammable or nonflammable compressed gases, flammable, corrosive liquids or oxidizers presently authorized to be shipped in a DOT Specification 3A cylinder, to be shipped in a non-DOT specification cylinder made to DOT-3A specification with certain exceptions. (Modes 1, 2, 4.)
5600-X	DOT-E 5600	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 175.3, Part 173, Subparts D, F, G.	To authorize transport of flammable or nonflammable compressed gases, flammable, corrosive liquids or oxidizers presently authorized to be shipped in a DOT Specification 3A cylinder, to be shipped in a non-DOT specification cylinder made to DOT-3A specification with certain exceptions. (Modes 1, 2, 4.)
5600-X	DOT-E 5600	Ozark-Mahoning Company, Tulsa, OK.	49 CFR 175.3, Part 173, Subparts D, F, G.	To authorize transport of flammable or nonflammable compressed gases, flammable, corrosive liquids or oxidizers presently authorized to be shipped in a DOT Specification 3A cylinder, to be shipped in a non-DOT specification cylinder made to DOT-3A specification with certain exceptions. (Modes 1, 2, 4.)
5604-X	DOT-E 5604	Airco Industrial Gases—Division of The BOC Group, Murray Hill, NJ.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 178.338.	To authorize party status to the reinstated exemption which authorizes shipment of liquid helium in non-DOT specification cargo tanks. (Modes 1 and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5649-X	DOT-E 5649	Great Lakes Chemical Corp., Hydrotech Division, Adrian, MI.	49 CFR 173.154(a)	To authorize shipment of an oxidizer, in non-DOT specification polypropylene or polyethylene bags. (Modes 1 and 2.)
5704-X	DOT-E 5704	Atlantic Research Corporation, Grainesville, VA.	49 CFR 173.62, 173.93(e)	To authorize transport of certain Class A and B explosives in prescribed non-DOT specification steel drums. (Modes 1, 2, 3.)
5704-X	DOT-E 5704	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.62, 173.93(e)	To authorize transport of certain Class A and B explosives in prescribed non-DOT specification steel drums. (Modes 1, 2, 3.)
5704-X	DOT-E 5704	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 173.62, 173.93(e)	To authorize transport of certain Class A and B explosives in prescribed non-DOT specification steel drums. (Modes 1, 2, 3.)
5704-X	DOT-E 5704	Olin Corporation—Winchester Group, East Alton, IL.	49 CFR 173.62, 173.93(e)	To authorize transport of certain Class A and B explosives in prescribed non-DOT specification steel drums. (Modes 1, 2, 3.)
5704-X	DOT-E 5704	Aerojet Solid Propulsion Company, Sacramento, CA.	49 CFR 173.62, 173.93(e)	To authorize transport of certain Class A and B explosives in prescribed non-DOT specification steel drums. (Modes 1, 2, 3.)
5820-X	DOT-E 5820	ICI Americas, Inc., Wilmington, DE.	49 CFR 173.315(a)	To authorize shipment of nonflammable gases in non-DOT specification IMCO Type 5 portable tanks. (Modes 1, 2, 3.)
5948-X	DOT-E 5948	U.S. Department of Energy, Washington, DC.	49 CFR 173.247(b), 173.416, 173.467.	To authorize shipment of radioactive waste materials in ATMX 500 or 600 rail cars. (Mode 2)
6016-X	DOT-E 6016	S.J. Smith Welding Supply, Davenport, IA.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6016-P	DOT-E 6016	National Gas Equipment, Inc., Westborough, MA.	49 CFR 173.315(a)	To become a party to exemption 6016 (Mode 1.)
6016-P	DOT-E 6016	The Bathke Company, Minneapolis, MN.	49 CFR 173.315(a)	To become a party to exemption 6016 (Mode 1.)
6016-P	DOT-E 6016	Midwest Airgas, Inc., Fairfield, IA.	49 CFR 173.315(a)	To become a party to exemption 6016 (Mode 1.)
6071-X	DOT-E 6071	Walter Kidde, Wilson, NC.	49 CFR 173.304, 173.305, 175.3	To authorize use of non-DOT specification pressure vessels, for transportation of nonflammable compressed gases. (Modes 1, 2, 4, 5.)
6117-X	DOT-E 6117	Montana Sulphur & Chemical Company, Billings, MT.	49 CFR 172.504, 173.314(c)	To authorize transport of hydrogen sulfide in DOT Specification 105A600W tank car tanks or proposed DOT Specification 120A600W tank car tanks. (Mode 2.)
6126-X	DOT-E 6126	Rhone-Poulenc, Inc., Princeton, NJ.	49 CFR 173.253(a)	To authorize shipment of chloroacetyl chloride in DOT Specification 6D/2S or 2SL composite packaging. (Modes 1 and 3.)
6267-X	DOT-E 6267	Bio-Lab, Incorporated, Decatur, GA.	49 CFR 173.154, 173.217(a)	To authorize use of DOT Specification 12B corrugated fiberboard boxes with inside polyethylene bottles and non-DOT specification double-faced fiberboard boxes, for transportation of certain oxidizing materials. (Modes 1, 2, 3.)
6267-X	DOT-E 6267	Hydrotech Chemical Corporation, Marietta, GA.	49 CFR 173.154, 173.217(a)	To authorize use of DOT Specification 12B corrugated fiberboard boxes with inside polyethylene bottles and non-DOT specification double-faced fiberboard boxes, for transportation of certain oxidizing materials. (Modes 1, 2, 3.)
6267-X	DOT-E 6267	Berry Pastics, Inc., Evansville, IN.	49 CFR 173.154, 173.217(a)	To authorize use of DOT Specification 12B corrugated fiberboard boxes with inside polyethylene bottles and non-DOT specification double-faced fiberboard boxes, for transportation of certain oxidizing materials. (Modes 1, 2, 3.)
6267-X	DOT-E 6267	Aiden Leeds, Inc., South Kearny, NJ.	49 CFR 173.154, 173.217(a)	To authorize use of DOT Specification 12B corrugated fiberboard boxes with inside polyethylene bottles and non-DOT specification double-faced fiberboard boxes, for transportation of certain oxidizing materials. (Modes 1, 2, 3.)
6293-X	DOT-E 6293	Hercules, Inc., Wilmington, DE.	49 CFR 173.21(b), 173.248.	To authorize transport of certain corrosive liquids, in DOT Specification MC-311 or MC-312 tank motor vehicles. (Mode 1.)
6293-X	DOT-E 6293	Atlas Powder Company, Dallas, TX.	49 CFR 173.21(b), 173.248.	To authorize transport of certain corrosive liquids, in DOT Specification MC-311 or MC-312 tank motor vehicles. (Mode 1.)
6293-X	DOT-E 6293	Olin Corporation—Winchester Group, East Alton, IL.	49 CFR 173.21(b), 173.248.	To authorize transport of certain corrosive liquids, in DOT Specification MC-311 or MC-312 tank motor vehicles. (Mode 1.)
6293-X	DOT-E 6293	Ireco Incorporated, Salt Lake City, UT.	49 CFR 173.21(b), 173.248.	To authorize transport of certain corrosive liquids, in DOT Specification MC-311 or MC-312 tank motor vehicles. (Mode 1.)
6296-X	DOT-E 6296	Platte Chemical Company, Greeley, CO.	49 CFR 173.377(g)	To authorize additional bag packaging, for transportation of certain Class B poisons in DOT Specification 44D multi-wall paper bags. (Modes 1, 2.)
6296-X	DOT-E 6296	UNIROYAL Chemical, Company, Inc. Bethany, CT.	49 CFR 173.377(g)	To authorize additional bag packaging, for transportation of certain Class B poisons in DOT Specification 44 D multi-wall paper bags. (Modes 1 and 2.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6309-X	DOT-E 6309	Insta-Foam Products, Inc., Joliet, IL	49 CFR 173.315(a)(1), 174.63(b)	To authorize use of non-DOT specification steel portable tanks, for transportation of certain nonpoisonous, non-flammable compressed gases. (Modes 1, and 2.)
6325-P	DOT-E 6325	Green Mountain Explosives, Inc., Auburn, NH	49 CFR 173.154(a)	To become a party to exemption 6325 (Mode 1.)
6349-X	DOT-E 6349	Alrco Industrial Gases, Murray Hill, NJ	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification insulated, containerized portable tanks, for shipment of certain flammable and nonflammable gases. (Modes 1, 2, and 3.)
6369-X	DOT-E 6369	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE	49 CFR 173.346(a)(10), 173.347(a)(2), 173.352(a)(4), 173.374(c)	To authorize use of AAR proposed DOT Specification 120A300W and 120A400W tank car tanks, for transportation of certain Class B poisonous liquids. (Mode 2.)
6418-P	DOT-E 6418	DowElanco, Midland, MI	49 CFR 173.357(b)	To become a party to exemption 6418 (Mode 1.)
6418-P	DOT-E 6418	Coastal Chemical Corporation, Greenville, NC	49 CFR 173.357(b)	To become a party to exemption 6418 (Mode 1.)
6434-X	DOT-E 6434	Rhone-Poulenc Ag Company, Research Triangle Park, NC	49 CFR 173.377(i)(1)	To authorize use of non-DOT specification paper bags, for transportation of a poisonous B solid material. (Modes 1 and 2.)
6442-X	DOT-E 6442	U.S. Department of Defense, Falls Church, VA	49 CFR 173.53(k), 173.87	To authorize transport of a 155mm high explosive projectile containing either a corrosive or flammable liquid in metal canister with an inner polyethylene container. (Modes 1 and 2.)
6443-X	DOT-E 6443	Montana Sulphur & Chemical Company, Billings, MT	49 CFR 173.315(a)(1)	To authorize use of DOT Specification MC-331 insulated cargo tanks not presently authorized, for transportation of a flammable gas. (Mode 1.)
6472-X	DOT-E 6472	Thiokol Corporation, Brigham City, UT	49 CFR 173.91	To authorize the additional wire bound box with fiber-board lining. (Modes 1, 2, and 3.)
6518-X	DOT-E 6518	Syntex Chemicals, Inc., Boulder, CO	49 CFR 172.101, 172.302, 173.119, 173.134, 173.154	To authorize shipment of specified pyrophoric liquids and solids, water reactive solid and certain other flammable liquids, in non-DOT specification steel portable tanks or cylinders. (Modes 1 and 3.)
6518-X	DOT-E 6518	Union Carbide Chemicals & Plastics Company Inc., Charleston, WV	49 CFR 172.101, 172.302, 173.119, 173.134, 173.154	To authorize shipment of specified pyrophoric liquids and solids, water reactive solid and certain other flammable liquids in non-DOT specification steel portable tanks or cylinders. (Modes 1 and 3.)
6530-X	DOT-E 6530	Acme Welding Supply Company, Inc., Bismarck, ND	49 CFR 173.302(c)	To authorize shipment of hydrogen and mixtures of hydrogen with helium, argon or nitrogen in DOT Specification 3A, 3AA, 3AX or 3AAX steel cylinders. (Modes 1 and 2.)
6530-P	DOT-E 6530	Wilson Supply, Cumberland, MD	49 CFR 173.302(c)	To become a party to exemption 6530 (Modes 1 and 2.)
6530-P	DOT-E 6530	Sunox, Incorporated, Charlotte, NC	49 CFR 173.302(c)	To become a party to exemption 6530 (Modes 1 and 2.)
6530-P	DOT-E 6530	Iweco, Inc., Houston, TX	49 CFR 173.302(c)	To become a party to exemption 6530 (Modes 1 and 2.)
6538-X	DOT-E 6538	Hanco International, Inc., Miami, FL	49 CFR 173.304(d)(3)(ii), 178.33	To authorize use of a non-DOT specification inside nonrefillable metal container, for transportation of a certain flammable gas. (Modes 1 and 3.)
6538-X	DOT-E 6538	Pan Products, Inc., Macedonia, OH	49 CFR 173.304(d)(3)(ii), 178.33	To authorize use of a non-DOT specification inside nonrefillable metal container, for transportation of a certain flammable gas. (Modes 1 and 3.)
6543-X	DOT-E 6543	Solkatronic Chemicals, Inc., Fairfield, NJ	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.245, 173.247, 173.271, 175.3	To authorize shipment of certain corrosive and flammable liquids in non-DOT specification 16 gauge, Type 304 stainless steel cylinders and/or 14 gauge Type 316 stainless steel cylinders. (Modes 1, 2, 3, and 4.)
6543-X	DOT-E 6543	Union Carbide Industrial Gases, Inc., Danbury, CT	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.245, 173.247, 173.271, 175.3	To authorize shipment of certain corrosive and flammable liquids in non-DOT specification 16 gauge, Type 304 stainless steel cylinders and/or 14 gauge Type 316 stainless steel cylinders. (Modes 1, 2, 3, and 4.)
6543-X	DOT-E 6543	Corning Incorporated, Corning, NY	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.245, 173.247, 173.271, 175.3	To authorize shipment of certain corrosive and flammable liquids in non-DOT specification 16 gauge, Type 304 stainless steel cylinders and/or 14 gauge Type 316 stainless steel cylinders. (Modes 1, 2, 3, and 4c.)
6563-P	DOT-E 6563	Linde Gases of the Northwest, Inc., Portland, OR	49 CFR 173.302(a)(1), 175.3, 178.42-2	To become a party to exemption 6563. (Modes 1, 2, 3, 4, and 5.)
6610-X	DOT-E 6610	Catalyst Resources, Inc., Elyria, OH	49 CFR 173.221	To authorize shipment of an organic peroxide in DOT specification 111A100W6 tank cars and MC-307 cargo tanks. (Modes 1 and 2.)
6610-X	DOT-E 6610	ARCO Chemical Company, Newtown Square, PA	49 CFR 173.221	To authorize shipment of an organic peroxide in DOT specification 111A100W6 tank cars and MC-307 cargo tanks. (Modes 1 and 2.)
6614-X	DOT-E 6614	Clearwater Chemical Corporation, Clearwater, FL	49 CFR 173.263(A)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Arco Industries, Inc., Milwaukee, WI	49 CFR 173.263(a)(28), 173.277(a)(6)	To authorize use of non-DOT specification polyethylene bottles, packed inside of high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6614-X	DOT-E 6614	GPS Industries, City of Industry, CA.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	So-White Company, Inc., Plover, WI.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Jones Chemicals, Inc., LeRoy, NY.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Steelcrete Company, Novi, MI.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	All Pure Chemical Company, Inc., Tracy, CA.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Continental Chemical Company, Sacramento, CA.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6614-X	DOT-E 6614	Hasa Chemicals, Inc., Santa Clara, CA.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
6626-X	DOT-E 6626	Brown Welding Supply, Inc., Salina, KS.	49 CFR 173.34(e)(15)(i), 173.34(e)(15)(v), 175.3.	To authorize use of DOT specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A or 3AA, for shipment of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
6626-X	DOT-E 6626	Airco—The BOC Group, Inc., Murray Hill, NJ.	49 CFR 173.34(e)(15)(i), 173.34(e)(15)(v), 175.3.	To authorize use of DOT specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A or 3AA, for shipment of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
6626-X	DOT-E 6626	Messer Griesheim Industries, Inc., Valley Forge, PA.	49 CFR 173.34(e)(15)(i), 173.34(e)(15)(v), 175.3.	To authorize use of DOT specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A or 3AA, for shipment of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
6658-X	DOT-E 6658	Ensign-Bickford Company, Simsbury, CT.	49 CFR 173.65	To authorize use of a non-DOT specification open-head steel drum, for transportation of a certain Class A explosive. (Mode 1.)
6670-X	DOT-E 6670	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.301(d), 173.302	To authorize the addition of Hexafluoroethane (R116) classed as a non-flammable gas as an additional commodity. (Mode 1.)
6670-X	DOT-E 6670	Airco, The BOC Group, Inc., Murray Hill, NJ.	49 CFR 173.301(d), 173.302	To authorize the addition of Hexafluoroethane (R116) classed as a non-flammable gas as an additional commodity. (Mode 1.)
6686-X	DOT-E 6686	Chilton Metal Products Division, Chilton, WI.	49 CFR 173.304, 175.65	To authorize use of a modified DOT Specification 39 steel cylinder, for transportation of a certain flammable gas. (Modes 1, and 2.)
6691-P	DOT-E 6691	AGA Gas, Inc., Cleveland, OH.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691 (Modes 1, 2, 3, 4, and 5.)
6691-P	DOT-E 6691	Iweco, Inc., Houston, TX.	49 CFR 173.34(e)(15)(i), Part 107, Appendix B.	To become a party to exemption 6691 (Modes 1, 2, 3, 4, and 5.)
6694-X	DOT-E 6694	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of nonflammable gases. (Modes 1, 2, and 3.)
6694-X	DOT-E 6694	Arbel-Fauvet-Rail Paris, France.	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of nonflammable gases. (Modes 1, 2, and 3.)
6695-P	DOT-E 6695	Atochem, S.A., Paris, France.	49 CFR 173.315	To become a party to exemption 6695 (Modes 1, 2, and 3.)
6695-X	DOT-E 6695	Atochem North America, Inc., Glen Rock, NJ.	49 CFR 173.315	To authorize use of a non-DOT specification IMO Type 5 portable tank, for transportation of certain nonflammable compressed gases. (Modes 1, 2, and 3.)
6724-X	DOT-E 6724	U.S. Department of Defense, Falls Church, VA.	49 CFR 172.101, 173.89, 175.3	To authorize transport of caseless ammunition in an inside fiberboard box with egg crate separations and overpacked in a non-DOT specification strong wooden box. (Modes 1 and 4.)
6735-P	DOT-E 6735	AmeriBrom, Inc., New York, NY.	49 CFR 173.252	To become a party to exemption 6735 (Modes 1, 2, and 3.)
6762-X	DOT-E 6762	Taylor Technologies, Inc., Sparks, MD.	49 CFR 173.286(b)(2), 175.3	To authorize the transport of chemical kits in plastic inside packagings and fiberboard outside packagings. (Modes 1, 2, 3, and 4.)
6762-P	DOT-E 6762	Green Mountain Explosives, Inc., Auburn, NH.	49 CFR 173.286(b)(2), 175.3	To become a party to exemption 6762 (Modes 1, 2, 3, and 4.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6765-P	DOT-E 6765	Golden State Gases & Cryogenics, Inc., Sacramento, CA.	49 CFR 173.318(a), 176.76(h)(4)	To become a party to exemption 6765 (Modes 1 and 3.)
6769-X	DOT-E 6769	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.314, 173.315	To authorize the shipment of blends of 20-50% chlorodifluoromethane and 80-50% dimethyl ether in DOT Specification 105A600W tank cars and MC-331 cargo tanks with replacement outlet valves. (Modes 1 and 2.)
6773-X	DOT-E 6773	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.314(c)	To authorize shipment of a flammable compressed gas, in a DOT Specification 105A600W tank car. (Mode 2.)
6805-P	DOT-E 6805	Liquid Air Corporation, Walnut Creek, CA.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805 (Mode 1.)
6805-P	DOT-E 6805	Airco, The BOC Group, Inc., Murray Hill, NJ.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805 (Mode 1.)
6805-P	DOT-E 6805	Texas Gas Transport Company, Austin, TX.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805 (Mode 1.)
6810-X	DOT-E 6810	U.S. Department of Interior, Amarillo, TX.	49 CFR 173.302(a)(1)	To reinstate exemption originally issued for shipment of Helium, classed as nonflammable gas, in DOT Specification 107A tanks mounted on motor vehicles chassis. (Mode 1.)
6810-X	DOT-E 6810	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.302(a)(1)	To reinstate exemption originally issued for shipment of Helium, classed as nonflammable gas, in DOT Specification 107A tanks mounted on motor vehicles chassis. (Mode 1.)
6859-X	DOT-E 6859	OEA Pyronetics Division, Denver, CO.	49 CFR 173.302(a)(1), 173.34(d), 175.3	To authorize use of a non-DOT specification nonrefillable titanium alloy spherical pressure vessel, for shipment of a nonflammable compressed gas. (Modes 1, 3, and 4.)
6874-X	DOT-E 6874	ICI Americas, Inc., Wilmington, DE.	49 CFR 172.101, 173.370(a)(13)	To authorize the increase of shipping weight to 1000kg (2205 pounds) in each box instead of up to 2000 pounds. (Modes 1, 2, and 3.)
6874-X	DOT-E 6874	Degussa Corporation, Ridgefield Park, NJ.	49 CFR 172.101, 173.370(a)(13)	To authorize the increase of shipping weight to 1000kg (2205 pounds) in each box instead of up to 2000 pounds. (Modes 1, 2, and 3.)
6874-P	DOT-E 6874	Showa Denko America, Inc., New York, NY.	49 CFR 172.101, 173.370(a)(13)	To become a party to exemption 6874 (Modes 1, 2, and 3.)
6874-X	DOT-E 6874	Mine Chemical Services, Inc., Winnemucca, NV.	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, and 3.)
6874-X	DOT-E 6874	Mitsui & Company (USA), Inc., New York, NY.	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, and 3.)
6874-P	DOT-E 6874	Chugai Boyeki Company, Limited, Tokyo, Japan.	49 CFR 172.101, 173.370(a)(13)	To become a party to exemption 6874 (Modes 1, 2, and 3.)
6874-X	DOT-E 6874	Goldstone Supply Corp., Sparks, NV.	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, and 3.)
6890-X	DOT-E 6890	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.100(cc), 175.3	To authorize transport of an explosive severance system consisting of linear segments which may contain up to 79 grams of hexanitrostilbene. (Modes 1, 2, 3, and 4.)
6922-X	DOT-E 6922	Halocarbon Products Corporation, North Augusta, SC.	49 CFR 173.314(c), 179.300-15	To authorize use of a DOT Specification 106A500-X multi-unit tank car tank, for shipment of certain compressed gases. (Modes 1, 2, and 3.)
6922-X	DOT-E 6922	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 173.314(c), 179.300-15	To authorize use of a DOT Specification 106A500-X multi-unit tank car tank, for shipment of certain compressed gases. (Modes 1, 2, and 3.)
6922-X	DOT-E 6922	Shin-Etsu Chemical Company, Limited, Tokyo, Japan.	49 CFR 173.314(c), 179.300-15	To authorize use of a DOT Specification 106A500-X multi-unit tank car tank, for shipment of certain compressed gases. (Modes 1, 2, and 3.)
6922-X	DOT-E 6922	GE Silicones, Waterford, NY	49 CFR 173.314(c), 179.300-15	To authorize use of a DOT Specification 106A500-X multi-unit tank car tank, for shipment of certain compressed gases. (Modes 1, 2, and 3.)
6932-X	DOT-E 6932	Arbel-Fauvet-Rail, Paris, France	49 CFR 173.264(b)(4)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of anhydrous hydrofluoric acid. (Modes 1 and 3.)
6932-P	DOT-E 6932	Atochem, S.A., Paris, France	49 CFR 173.264(b)(4)	To become a party to exemption 6932. (Modes 1 and 3.)
6932-X	DOT-E 6932	Atochem, Inc.—Chemical Division, Glen Rock, NJ.	49 CFR 173.264(b)(4)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of anhydrous hydrofluoric acid. (Modes 1 and 3.)
6944-X	DOT-E 6944	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.62(a), 177.834(L)(1)	To authorize transport of a liquid high explosive in a specially designed stainless steel desiccator. (Mode 1.)
6963-X	DOT-E 6963	ISC Chemicals Limited, Bristol, England.	49 CFR 173.264(a), 173.264(b)	To authorize use of non-DOT specification intermodal portable tanks, for transportation of hydrofluoric acid and anhydrous hydrofluoric acid. (Modes 1 and 3.)
6971-P	DOT-E 6971	EM Science, Cincinnati, OH	49 CFR Parts 100-199	To become a party to exemption 6971 (Modes 1, 2, 3, 4, and 5.)
6974-P	DOT-E 6974	General Dynamics Corporation, San Diego, CA.	49 CFR 173.302(a)(1), 175.3, 178.42	To become a party to exemption 6974 (Modes 1, 2, and 4.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6999-X	DOT-E 6999	U.S. Department of Defense, Falls Church, VA.	49 CFR 176.120(b)	To authorize cargo loading hatches of vessels being loaded with military explosives to remain open overnight under certain conditions. (Mode 3.)
7011-X	DOT-E 7011	Russell-Stanley West, Inc., Rancho Cucamonga, CA.	49 CFR 173.154, 173.217, 173.239a, 173.245, 173.245b(a)(6), 173.365.	To authorize an optional two-inch, spin welded flange with two-inch bung on non-DOT specification polyethylene container with a removable head, having a rated volumetric capacity not exceeding 57 gallons. (Modes 1, 2, and 3.)
7023-X	DOT-E 7023	PVS Chemicals, Inc. (NY) Buffalo, NY.	49 CFR 173.245(a), 173.263(a), 173.264(a), 173.266, 173.268(f)(5), 173.272(g), 173.272(j)(24).	To authorize use of non-DOT specification steel portable tanks, for shipment of an oxidizer or corrosive material. (Mode 1.)
7026-X	DOT-E 7026	Walter Kidde, Wilson, NC	49 CFR 173.304(a)(1), 175.3, 178.47.	To authorize manufacture, marking and sale of a non-DOT specification welded steel pressure vessel for transportation of a compressed gas. (Modes 1, 2, 4, and 5.)
7026-X	DOT-E 7026	HR Textron, Inc., Pacoima, CA	49 CFR 173.304(a)(1), 175.3, 178.47.	To authorize manufacture, marking and sale of a non-DOT specification welded steel pressure vessel for transportation of a compressed gas. (Modes 1, 2, 4, and 5.)
7032-X	DOT-E 7032	Polaroid Corporation, Needham Heights, MA.	49 CFR 172.101, 175.3	To authorize outside packages exceeding the 100 pounds limitation to be carried aboard cargo aircraft only for shipment of a certain corrosive solid. (Mode 4.)
7040-X	DOT-E 7040	Polaroid Corporation, Needham Heights, MA.	49 CFR 172.101, 175.3	To authorize carriage of larger quantities of corrosive liquids in DOT Specification 6D cylindrical steel overpack with inside DOT Specification 2SL container mounted on a pallet and covered with a wooden overwrap. (Mode 4.)
7041-X	DOT-E 7041	Ethyl Corporation, Baton Rouge, LA.	49 CFR 173.134(a)(6)	To authorize shipment of pyrophoric waste materials in non-DOT specification cargo tank of the MC-331 type. (Mode 1.)
7046-X	DOT-E 7046	J.T. Baker, Inc., Phillipsburg, NJ	49 CFR 173.269, 178.340-5(c)	To authorize use of modified DOT Specification MC-312 glass lined cargo tanks, for transportation of certain corrosive liquids and a certain oxidizer. (Modes 1 and 3.)
7051-X	DOT-E 7051	Advanced Research Chemicals, Inc., Catoosa, OK.	49 CFR 173.246(a), 175.3	To authorize use of non-DOT specification Teflon bottles overpacked with either a DOT Specification 12A or 12B fiberboard box to transport a corrosive liquid. (Modes 1, and 4.)
7051-X	DOT-E 7051	Advanced Research Chemicals, Inc., Catoosa, OK.	49 CFR 173.246(a), 175.3	To authorize use of non-DOT specification Teflon bottles overpacked with either a DOT Specification 12A or 12B fiberboard box to transport a corrosive liquid. (Modes 1, and 4.)
7052-X	DOT-E 7052	American Meter Company, Philadelphia, PA.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Matsushita Battery Industrial Company, Limited Osaka, Japan.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Micro Power Electronics, Beaverton, OR.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Tracor Technology Resources, Inc., Rockville, MD.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Amtech Technology Corporation, Santa Fe, New Mexico.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052 (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Battery Assemblers Inc., Bohemia, NY.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Pacific Electro Dynamics, Redmond, WA.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052 (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	SimTronix, Bergen, Norway	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052 (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Priebe Electronics, Redmond, WA.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	EIC Laboratories, Inc., Norwood, MA.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	EnScan, Inc., Minneapolis, MN	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Toshiba Battery Co., Ltd., Chuo-Ku, Tokyo 104, Japan.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7052-X	DOT-E 7052	Hitachi-Maxell, Ltd., Tokyo, Japan	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	R-Con International, Salt Lake City, UT.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Southwest Electronics, Inc., Stafford, TX.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Chamberlain Mfg. Corporation, Waterloo, IA.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052 (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Ensco Technology Company, Houston, TX.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052 (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Sand Dollar Instruments, Inc., Pocasset, MA.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052 (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Gould, Inc., Eastlake, OH	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052 (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Medtronic, San Diego, CA	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052 (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Adcour, Inc., Sharon, MA	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Artex Aircraft Supplies, Inc., Canby, OR.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052 (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Texas Instruments Incorporated, Dallas, TX.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052 (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Alden Electronics, Inc., Westborough, MA.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052 (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	General Dynamics/Convair Division, San Diego, CA.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052 (Modes 1, 2, 3, and 4.)
7052-X	DOT-E 7052	Honeywell, Inc., Albuquerque, NM	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, and 4.)
7070-X	DOT-E 7070	American Chemical & Refining Company, Inc., Waterbury, CT.	49 CFR 173.365, 175.3, 175.630	To authorize shipment of a poison B solid in a plastic jar overpacked in a metal can equivalent to DOT Specification 2N, packed in a single-faced corrugated DOT Specification 12B fiberboard box. (Modes 4 and 5.)
7071-X	DOT-E 7071	Clayton Chemical, Great Falls, VA.	49 CFR 172.101, 173.245, 175.3	To authorize shipment of a certain corrosive liquid, in non-DOT specification polyethylene bottles overpacked in a non-DOT specification single-wall fiberboard box, or DOT Specification 2U polyethylene containers overpacked in a DOT Specification 12P fiberboard box. (Modes 1, 2, 3, and 4.)
7096-X	DOT-E 7096	Fike Corporation, Blue Springs, MO.	49 CFR 173.304(a)(1), 178.55	To authorize shipment of bromotrifluoromethane (Freon 1301) in non-DOT specification cylinders, fabricated in accordance with DOT Specification 4B24OET with certain exceptions. (Modes 1, 2 and 3.)
7097-X	DOT-E 7097	Plant Products Corporation, Vero Beach, FL.	49 CFR 173.377(f)	To authorize shipment of dry mixtures of parathion and tetraethyl dithio pyrophosphate from specification packaging requirements. (Mode 1.)
7227-X	DOT-E 7227	Lox Equipment Company, Delphi, IN.	49 CFR 172.203, 173.318, 173.32, 173.320, 175.3, 176.30, 176.76, 178.338	To authorize manufacture, marking and sale of vacuum insulated non-DOT specification portable tanks, for transportation of liquid nitrogen. (Modes 3 and 4.)
7247-X	DOT-E 7247	U.S. Department of Defense, Falls Church, VA.	49 CFR 146.29-11(c)(10), 146.29-75(b)(2).	To authorize a bulkhead in the lower hold of a vessel separating military explosives from general cargo to be secured on 4 inch by 6 inch uprights, in lieu of the required 6 by 6 inch uprights. (Mode 3.)
7252-X	DOT-E 7252	Explosives Technologies International, Inc. (ETI), Wilmington, DE.	49 CFR 173.93	To authorize transport of Pourvex Extra and Tovex Extra in DOT Specification 17H metal drums. (Modes 1 and 3.)
7255-X	DOT-E 7255	U.S. Department of Defense, Falls Church, VA.	49 CFR 146.29-45(a), 146.29-45(c).	To authorize simultaneous loading of two holds within the same hatch when handling military explosives. (Mode 3.)
7259-X	DOT-E 7259	Exxon Chemical Americans, Houston, TX.	49 CFR 176.76(g)(5)	To authorize use of DOT Specification 56 aluminum portable tanks, for shipment of phosphorous pentasulfide by water. (Mode 3.)
7259-X	DOT-E 7259	Monsanto Chemical Company, St. Louis, MO.	49 CFR 176.76(g)(5)	To authorize use of DOT Specification 56 aluminum portable tanks, for shipment of phosphorous pentasulfide by water. (Mode 3.)
7268-X	DOT-E 7268	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.304(a)(1)	To authorize use of a DOT Specification 39 nonrefillable cylinder, for shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)
7268-X	DOT-E 7268	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 173.304(a)(1)	To authorize use of a DOT Specification 39 nonrefillable cylinder, for shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)
7268-X	DOT-E 7268	Linde Gases of the West, Inc., San Ramon, CA.	49 CFR 173.304(a)(1)	To authorize use of a DOT Specification 39 nonrefillable cylinder, for shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7268-X	DOT-E 7268	Linde Gases of Florida, Tampa, FL.	49 CFR 173.304(a)(1)	To authorize use of a DOT Specification 39 nonrefillable cylinder, for shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)
7268-X	DOT-E 7268	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.304(a)(1)	To authorize use of a DOT Specification 39 nonrefillable cylinder, for shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)
7268-X	DOT-E 7268	Linde Gases of the Southeast, Inc., Wilmington, NC.	49 CFR 173.304(a)(1)	To authorize use of a DOT Specification 39 nonrefillable cylinder, for shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)
7268-X	DOT-E 7268	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.304(a)(1)	To authorize use of a DOT Specification 39 nonrefillable cylinder, for shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)
7268-X	DOT-E 7268	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.304(a)(1)	To authorize use of a DOT Specification 39 nonrefillable cylinder, for shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)
7268-X	DOT-E 7268	UNIGAS, Inc., Mercedita, PR.	49 CFR 173.304(a)(1)	To authorize use of a DOT Specification 39 nonrefillable cylinder, for shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)
7268-X	DOT-E 7268	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 173.304(a)(1)	To authorize use of a DOT Specification 39 nonrefillable cylinder, for shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)
7268-X	DOT-E 7268	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	49 CFR 173.304(a)(1)	To authorize use of a DOT Specification 39 nonrefillable cylinder, for shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)
7274-X	DOT-E 7274	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To authorize use of non-DOT specification portable tanks, for shipment of certain nonflammable gases. (Mode 3.)
7274-X	DOT-E 7274	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To authorize use of non-DOT specification portable tanks, for shipment of certain nonflammable gases. (Mode 3.)
7274-X	DOT-E 7274	Linde Gases of the Mid-Atlantic, Inc., Keasbey, NJ.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To authorize use of non-DOT specification portable tanks, for shipment of certain nonflammable gases. (Mode 3.)
7274-X	DOT-E 7274	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To authorize use of non-DOT specification portable tanks, for shipment of certain nonflammable gases. (Mode 3.)
7274-X	DOT-E 7274	Linde Gases of the Northwest, Inc., Portland, OR.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To authorize use of non-DOT specification portable tanks, for shipment of certain nonflammable gases. (Mode 3.)
7274-X	DOT-E 7274	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To authorize use of non-DOT specification portable tanks, for shipment of certain nonflammable gases. (Mode 3.)
7274-X	DOT-E 7274	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To authorize use of non-DOT specification portable tanks, for shipment of certain nonflammable gases. (Mode 3.)
7275-X	DOT-E 7275	Express Airways, Inc., Sanford, FL.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives that are not permitted for air shipment or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
7285-X	DOT-E 7285	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.315(a)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain nonflammable, liquefied gases. (Modes 1, 2, and 3.)
7285-X	DOT-E 7285	Arbel-Fauvet-Rail, Paris, France.	49 CFR 173.315(a)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain nonflammable, liquefied gases. (Modes 1, 2, and 3.)
7285-X	DOT-E 7285	Parlefer S.A.R.L., Paris, France.	49 CFR 173.315(a)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain nonflammable, liquefied gases. (Modes 1, 2, and 3.)
7285-P	DOT-E 7285	Atochem, S.A., Paris, France.	49 CFR 173.315(a)	To become a party to exemption 7285 (Modes 1, 2, and 3.)
7285-X	DOT-E 7285	Atochem, Inc.—Chemical Division, Glen Rock, NJ.	49 CFR 173.315(a)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain nonflammable, liquefied gases. (Modes 1, 2, and 3.)
7413-X	DOT-E 7413	Chilton Metal Products Division, Chilton, WI.	49 CFR 173.302(a), 173.304(a)(1), 175.3, 178.42.	To authorize transport of carbon dioxide or nitrogen, and compressed air in a non-DOT specification brazed steel cylinder. (Modes 1, 2, 3, 4, and 5.)
7446-X	DOT-E 7446	Kaiser Aluminum and Chemical Corporation, Erie, PA.	49 CFR 173.302(a)(1), 173.304(a), 178.38.	To authorize manufacture, marking and sale of dry powder-fire extinguishant or bromotrifluoromethane charged with compressed air or nitrogen, in non-DOT specification seamless aluminum cylinders. (Modes 1, 2, and 3.)
7451-X	DOT-E 7451	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.304, 173.315	To authorize use of Non-DOT specification pressure vessels, for transportation of a non flammable gas. (Modes 1, and 3.)
7451-X	DOT-E 7451	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.304, 173.315	To authorize use of Non-DOT specification pressure vessels, for transportation of a non flammable gas. (Modes 1, and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7451-X	DOT-E 7451	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 173.304, 173.315	To authorize use of Non-DOT specification pressure vessels, for transportation to a non flammable gas. (Modes 1, and 3.)
7458-X	DOT-E 7458	Ekohwerks Company, Eastlake, OH.	49 CFR 173.304(a)(2), 178.42	To renew, and to authorize shipment of certain commodities presently shipped in DOT Specifications 3E cylinders and update cylinder criteria. (Modes 1, 2, and 3.)
7466-X	DOT-E 7466	Firmerich Incorporated, Princeton, NJ.	49 CFR 173.119(a)(7), 175.3	To authorize shipment of certain flammable liquid mixtures, in a spun 99-percent pure aluminum can, overpacked in a corrugated fiberboard box. (Modes 1, 2, 3, and 4.)
7517-P	DOT-E 7517	DPC Industries, Inc., Houston, TX...	49 CFR 173.314(c)	To become a party to exemption 7517 (Modes 1, 2, and 3.)
7517-X	DOT-E 7517	DPC Industries, Inc., Houston, TX...	49 CFR 173.314(c)	To authorize manufacture, marking and sale of non-DOT specification fusion welded tank car tanks, for transportation of nonflammable compressed gases. (Modes 1, 2, and 3.)
7517-X	DOT-E 7517	Trinity Industries, Inc., Dallas, TX...	49 CFR 173.314(c)	To authorize manufacture, marking and sale of non-DOT specification fusion welded tank car tanks, for transportation of nonflammable compressed gases. (Modes 1, 2, and 3.)
7526-P	DOT-E 7526	Schering Berlin Polymers, Inc., Dublin, OH.	49 CFR 173.134	To become a party to exemption 7526 (Modes 1, and 3.)
7526-X	DOT-E 7526	Schering AG, West Berlin, West Germany.	49 CFR 173.134	To authorize transport of certain pyrophoric liquids in non-DOT specification portable tanks. (Modes 1, and 3.)
7544-X	DOT-E 7544	Eastman Kodak Company, Rochester, NY.	49 CFR 173.245, 173.249, 173.272	To authorize transport of solutions of sodium hydroxide and certain other liquid corrosives, or other liquid corrosive materials in a DOT Specification 2U polyethylene inside container, overpacked in a non-DOT specification fiberboard box. (Modes 1, 2, and 3.)
7573-X	DOT-E 7573	U.S. Department of Defense, Falls Church, VA.	49 CFR Part 107, Subpart B, Part 172, Part 175.	To authorize transport of aircraft loaded with military explosives and ammunition and other hazardous materials forbidden or in quantities greater than allowed for cargo-only aircraft. (Mode 4.)
7601-X	DOT-E 7601	Atlantic Research Corporation, Gainesville, VA.	49 CFR 173.53(e), 173.62	To authorize renewal and an additional destination for shipments of High explosives, liquid, Class A explosive. (Mode 1.)
7607-X	DOT-E 7607	Dynamac Corporation, Fort Lee, NJ.	49 CFR 172.101, 175.3	To authorize shipment of hydrogen in certain non-DOT specification seamless stainless steel cylinders. (Mode 5.)
7607-P	DOT-E 7607	Brewer Chemical Corporation, Honolulu, HI.	49 CFR 172.101, 175.3	To become a party to exemption 7607 (Mode 5.)
7607-P	DOT-E 7607	VIC Manufacturing, Minneapolis, MN.	49 CFR 172.101, 175.3	To become a party to exemption 7607 (Mode 5.)
7607-P	DOT-E 7607	PACE, Incorporated, Minneapolis, MN.	49 CFR 172.101, 175.3	To become a party to exemption 7607 (Mode 5.)
7607-P	DOT-E 7607	John Crane, Inc., Morton Grove, IL.	49 CFR 172.101, 175.3	To become a party to exemption 7607 (Mode 5.)
7607-X	DOT-E 7607	Hanson Engineers, Incorporated, Springfield, IL.	49 CFR 172.101, 175.3	To authorize shipment of hydrogen in certain non-DOT specification seamless stainless steel cylinders. (Mode 5.)
7607-X	DOT-E 7607	Dynamac Corporation, Fort Lee, NY.	49 CFR 172.101, 175.3	To authorize shipment of hydrogen in certain non-DOT specification seamless stainless steel cylinders. (Mode 5.)
7616-X	DOT-E 7616	Burlington Northern Railroad Company, Overland Park, KS.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	CSX Transportation, Inc., Jacksonville, FL.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carriage to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	Wisconsin Central, Ltd., Rosemont, IL.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7616-X	DOT-E 7616	Grand Trunk Western Railroad Company, Pontiac, MI.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
7648-X	DOT-E 7648	Sunwest Aviation, Ogden, UT	49 CFR 172.204(c), 172.300(a), 172.400(a), 173.91(a), 173.91(f), 175.3, 175.35(a).	To authorize carrier of aerial illuminating flares for testing purposes in cargo-only aircraft. (Mode 4.)
7650-X	DOT-E 7650	ICI Americas, Inc., Wilmington, DE.	49 CFR 173.315	To authorize use of non-DOT specification vacuum insulated steel portable tanks, for shipment of certain nonflammable compressed gases. (Modes 1 and 3.)
7657-X	DOT-E 7657	Welker Engineering Company, Sugar Land, TX.	49 CFR 173.119, 173.302(a)(1), 173.304(a)(1), 173.304(b)(1), 175.3, 178.42.	To authorize manufacture, marking and sale of non-DOT specification stainless steel cylinders, for transportation of compressed gases. (Modes 1, 2, 3, and 4.)
7716-P	DOT-E 7716	Green Mountain Explosives, Inc., Auburn, NH.	49 CFR 173.153(b)(1)	To become a party to exemption 7716 (Modes 1, 2, and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7719-X	DOT-E 7719	Turner Division of Cooper Group, Sycamore, IL.	49 CFR 173.304, 175.3, 178.65	To authorize use of brazed DOT Specification 39 cylinders, for transportation of methylacetylene propadiene, stabilized. (Modes 1, 2, and 4.)
7721-X	DOT-E 7721	Applied Companies, San Fernando, CA.	49 CFR 173.302(a)(4), 175.3	To authorize manufacture, marking and sale of non-DOT specification steel cylinders, for transportation of non-flammable, nonliquefied compressed gases. (Modes 1, 2, 4, and 5.)
7765-X	DOT-E 7765	Carleton Technologies, Inc., Orchard Park, NY.	49 CFR 173.302(a)(4), 175.3	To authorize manufacture, marking and sale of nonrefillable, non-DOT specification pressure vessels, for transportation of compressed gases. (Modes 1, 2, and 4.)
7767-X	DOT-E 7767	Walter Kidde, Wilson, NC.	49 CFR 173.304(a)(1), 175.3, 178.47	To authorize manufacture, marking and sale of non-DOT specification welded steel cylinders, for transportation of nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
7770-X	DOT-E 7770	Parlefer S.A.R.L., Paris, France.	49 CFR 173.143, 173.264(b)(4), 174.63(b).	To authorize transport of anhydrous hydrogen fluoride or anhydrous methylchloromethyl ether in certain non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7774-X	DOT-E 7774	Wedge Wireline, Inc., Arlington, TX.	49 CFR 173.246, 175.3	To authorize shipment of bromine trifluoride in non-DOT specification cylinders. (Modes 1, 2, and 4.)
7774-X	DOT-E 7774	Pipe Recovery Systems, Incorporated, Houston, TX.	49 CFR 173.246, 175.3	To authorize shipment of bromine trifluoride in non-DOT specification cylinders. (Modes 1, 2, and 4.)
7808-X	DOT-E 7808	Waterbury Companies, Inc., Waterbury, CT.	49 CFR 173.304, 175.3, 178.33a	To authorize shipment of insecticides and liquefied gas mixtures, in inside nonrefillable aluminum containers comparable to DOT Specification 2Q cylinders equipped with integral pressure relief system. (Modes 1, 2, 3, and 4.)
7808-X	DOT-E 7808	Whitmore Research Laboratories, Inc., Saint Louis, MO.	49 CFR 173.304, 175.3, 178.33a	To authorize shipment of insecticides and liquefied gas mixtures, in inside nonrefillable aluminum containers comparable to DOT Specification 2Q cylinders equipped with integral pressure relief system. (Modes 1, 2, 3, and 4.)
7811-X	DOT-E 7811	Baxter Healthcare Corporation/Burdick & Jackson Division, Muskegon, MI.	49 CFR 173.119(a)(23), 173.125, 173.245(a)(18), 173.346(a)(21), 173.347(a)(8), 175.3, 178.210.	To authorize shipment of various alcohols (173.125) and to permit staples to be used as a method of closure for fiberboard box used as overpack. (Modes 1, 2, 3, and 4.)
7811-X	DOT-E 7811	Baxter Healthcare Corp./Burdick & Jackson Division, Muskegon, MI.	49 CFR 173.119(a)(23), 173.125, 173.245(a)(18), 173.346(a)(21), 173.347(a)(8), 175.3, 178.210.	To authorize a larger capacity DOT Specification 12A fiberboard box with handholes for shipment of certain corrosive, flammable, or class B poisonous liquids. (Modes 1, 2, 3, and 4.)
7823-X	DOT-E 7823	Allied-Signal, Inc., Morristown, NJ.	49 CFR 173.246	To authorize transport of iodine pentafluoride in non-DOT specification welded stainless steel cylinders complying with DOT Specification 4BW with certain exceptions. (Modes 1, 2, and 3.)
7823-X	DOT-E 7823	Marubeni Corporation, Tokyo, Japan.	49 CFR 173.246	To authorize transport of iodine pentafluoride in non-DOT specification welded stainless steel cylinders complying with DOT Specification 4BW with certain exceptions. (Modes 1, 2, and 3.)
7834-X	DOT-E 7834	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.306(b)(4), 175.3	To authorize transport of nonliquefied sulfur hexafluoride in certain X-ray machines, overpacked in strong wooden or fiberboard boxes. (Modes 1, 2, 3, 4, and 5.)
7835-X	DOT-E 7835	Big Three Industries, Inc., Houston, TX.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Airco, The BOC Group, Inc., Murray Hill, NJ.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Linde Gases of the West, Inc., San Ramon, CA.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Sunox, Inc., Charlotte, NC.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	GenEx, Ltd., Des Moines, IA.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7835-X	DOT-E 7835	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	UNIGAS, Inc., Mercedita, PR.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	National Welders Supply Company, Inc., Charlotte, NC.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Linde Gases of the Northwest, Inc., Portland, OR.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Liquid Carbonic Specialty Gas Corporation, Chicago, IL.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Scott Specialty Gases, Inc., Plumsteadville, PA.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Matheson Gas Products, Inc., Secaucus, NJ.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Liquid Air Corporation, Walnut Creek, CA.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Messer Griesheim Industries, Inc., Valley Forge, PA.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	Wilson Oxygen and Supply, Inc., Austin, TX.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	General Air Service & Supply Company, Denver, CO.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7835-X	DOT-E 7835	AGA Gas, Inc., Cleveland, OH.	49 CFR 177.848, Part 107 Appen. B(1).	To authorize transport of compressed gas in cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7840-X	DOT-E 7840	Weber Aircraft, Inc., Fullerton, CA.	49 CFR 173.87, 175.3, 176.83	To authorize transport of a Class C explosive and a nonflammable compressed gas, in the same non-DOT specification fiberboard shipping container. (Modes 1, 2, 3, 4, and 5.)
7840-X	DOT-E 7840	McDonnell Douglas, Long Beach, CA.	49 CFR 173.87, 175.3, 176.83	To authorize transport of a Class C explosive and a nonflammable compressed gas, in the same non-DOT specification fiberboard shipping container. (Modes 1, 2, 3, 4, and 5.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7840-X	DOT-E 7840	General Dynamics Corporation/ Fort Worth Division, Fort Worth, TX.	49 CFR 173.87, 175.3, 176.83	To authorize transport of a Class C explosive and a nonflammable compressed gas, in the same non-DOT specification fiberboard shipping container. (Modes 1, 2, 3, 4, and 5.)
7840-P	DOT-E 7840	Northrop Corporation, Pico Rivers, CA.	49 CFR 173.87, 175.3, 176.83	To become a party to exemption 7840 (Modes 1, 2, 3, 4, and 5.)
7846-X	DOT-E 7846	UNIGAS, Inc., Mercedita, PR.	49 CFR 173.314(c)	To authorize frame mounting and manifolding of DOT Specification seamless steel tank car tanks, for shipment of certain nonflammable gases. (Modes, 1 and 3.)
7846-X	DOT-E 7846	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 173.314(c)	To authorize frame mounting and manifolding of DOT Specification seamless steel tank car tanks, for shipment of certain nonflammable gases. (Modes, 1 and 3.)
7846-X	DOT-E 7846	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.314(c)	To authorize frame mounting and manifolding of DOT Specification seamless steel tank car tanks, for shipment of certain nonflammable gases. (Modes, 1 and 3.)
7846-X	DOT-E 7846	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.314(c)	To authorize frame mounting and manifolding of DOT Specification seamless steel tank car tanks, for shipment of certain nonflammable gases. (Modes, 1 and 3.)
7846-X	DOT-E 7846	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	49 CFR 173.314(c)	To authorize frame mounting and manifolding of DOT Specification seamless steel tank car tanks, for shipment of certain nonflammable gases. (Modes, 1 and 3.)
7862-P	DOT-E 7846	Henderson Limited, Inc., Richardson, TX.	49 CFR 173.314(c)	To become a party to exemption 7846 (Modes 1 and 3.)
7862-X	DOT-E 7862	General Electric Company, Milwaukee, WI.	49 CFR 173.302, 175.3	To authorize use of non-DOT specification aluminum, single trip, inside containers, for transportation of a nonflammable gas. (Modes 1, 4, and 5.)
7873-X	DOT-E 7873	Bromine Compounds, Limited, Beer-Sheva, Israel.	49 CFR 173.353a	To authorize use of non-DOT specification intermodal portable tanks, for transportation of a Class B poison liquid. (Modes 1, 2, and 3.)
7943-P	DOT-E 7943	Surpass Chemical Company, Inc., Albany, NY.	49 CFR 173.263(a)(15), 173.272(c), 173.277(a)(1).	To become a party to exemption 7943 (Mode 1.)
7943-P	DOT-E 7943	Abcane Industries, El Cajon, CA.	49 CFR 173.263(a)(15), 173.272(c), 173.277(a)(1).	To become a party to exemption 7943 (Mode 1.)
7959-X	DOT-E 7959	Woods Hole, Marthas Vineyard & Nantucket Steamship, Woods Hole, MA.	49 CFR 172.101, 176.78(k)	To authorize stowage of recreational vehicles carrying liquefied petroleum gas for heating and cooking on the vehicle deck of passenger-carrying ferries and other passenger-carrying vessels. (Mode 3.)
8009-X	DOT-E 8009	Marlin Gas Transport, Inc., Clearwater, FL.	49 CFR 173.302(a)(3), 173.301(d)(2).	To authorize use of DOT Specification 3AAX cylinders made of 4130X steel, for transportation of a compressed natural gas. (Mode 1.)
8009-P	DOT-E 8009	Texas Gas Transport Company, Austin, TX.	49 CFR 173.302(a)(3), 173.301(d)(2).	To become a party to exemption 8009. (Mode 1.)
8013-X	DOT-E 8013	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.302, 173.304, 175.3	To authorize use of DOT Specification 4E cylinders, for transportation of certain nonliquefied flammable and nonflammable gases. (Modes 1, 4, and 5.)
8013-X	DOT-E 8013	UNIGAS, Inc., Mercedita, PR.	49 CFR 173.302, 173.304, 175.3	To authorize use of DOT Specification 4E cylinders, for transportation of certain nonliquefied flammable and nonflammable gases. (Modes 1, 4, and 5.)
8013-X	DOT-E 8013	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.302, 173.304, 175.3	To authorize use of DOT Specification 4E cylinders, for transportation of certain nonliquefied flammable and nonflammable gases. (Modes 1, 4, and 5.)
8013-X	DOT-E 8013	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.302, 173.304, 175.3	To authorize use of DOT Specification 4E cylinders, for transportation of certain nonliquefied flammable and nonflammable gases. (Modes 1, 4, and 5.)
8013-X	DOT-E 8013	Linde Gases of the West, Inc., San Ramon, CA.	49 CFR 173.302, 173.304, 175.3	To authorize use of DOT Specification 4E cylinders, for transportation of certain nonliquefied flammable and nonflammable gases. (Modes 1, 4, and 5.)
8013-X	DOT-E 8013	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.302, 173.304, 175.3	To authorize use of DOT Specification 4E cylinders, for transportation of certain nonliquefied flammable and nonflammable gases. (Modes 1, 4, and 5.)
8013-X	DOT-E 8013	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.302, 173.304, 175.3	To authorize use of DOT Specification 4E cylinders, for transportation of certain nonliquefied flammable and nonflammable gases. (Modes 1, 4, and 5.)
8013-X	DOT-E 8013	Linde Gases of the Great Lakes, Inc., Cleveland, OH.	49 CFR 173.302, 173.304, 175.3	To authorize use of DOT Specification 4E cylinders, for transportation of certain nonliquefied flammable and nonflammable gases. (Modes 1, 4, and 5.)
8013-X	DOT-E 8013	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	49 CFR 173.302, 173.304, 175.3	To authorize use of DOT Specification 4E cylinders, for transportation of certain nonliquefied flammable and nonflammable gases. (Modes 1, 4, and 5.)
8013-X	DOT-E 8013	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 173.302, 173.304, 175.3	To authorize use of DOT Specification 4E cylinders, for transportation of certain nonliquefied flammable and nonflammable gases. (Modes 1, 4, and 5.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8013-X	DOT-E 8013	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.302, 173.304, 175.3	To authorize use of DOT Specification 4E cylinders, for transportation of certain nonliquefied flammable and nonflammable gases. (Modes 1, 4, and 5.)
8013-P	DOT-E 8013	Iweco, Inc., Houston, TX	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (Modes 1, 4, and 5.)
8023-X	DOT-E 8023	EFI Corporation, d/b/a EFIC, San Jose, CA.	49 CFR 173.302(a)(1), 173.304(a), 173.304(d), 175.3	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic hoop wrapped cylinders, for shipment of certain flammable and nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
8037-X	DOT-E 8037	Mauser Packaging, Limited, Litchfield, CT.	49 CFR 173.127, 173.175, 173.184, 178.224	To authorize manufacture, marking and sale of non-DOT specification fiberboard drums, for shipment of wet nitrocellulose, and lacquer base or lacquer chips, dry. (Modes 1, 2, and 3.)
8051-X	DOT-E 8051	Mauser Packaging, Limited, Litchfield, CT.	49 CFR 178.19, Part 173, Subpart D, E, F, H, Subpart K.	To authorize manufacture, marking and sale of non-DOT specification polyethylene drums of not over 220 liter capacity, for shipment of corrosive liquids and oxidizers. (Modes 1, 2, and 3.)
8060-X	DOT-E 8060	SLEMI, Paris, France	49 CFR 173.315(a)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain nonflammable, liquefied gases. (Modes 1, 2, and 3.)
8060-X	DOT-E 8060	Arbel-Fauvet-Rail Douai, Cedex, France.	49 CFR 173.315(a)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain nonflammable, liquefied gases. (Modes 1, 2, and 3.)
8060-X	DOT-E 8060	Parlefer S.A.R.L., Paris France	49 CFR 173.315(a)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain nonflammable, liquefied gases. (Modes 1, 2, and 3.)
8080-X	DOT-E 8080	American Chrome & Chemicals, Inc., Corpus Christi, TX.	49 CFR 173.164	To authorize renewal and an alternative sparger pipe system for the tank car tanks. (Mode 2.)
8080-X	DOT-E 8080	Occidental Chemical Corporation, Dallas, TX.	49 CFR 173.164	To authorize renewal and an alternative sparger pipe system for the tank car tanks. (Mode 2.)
8084-X	DOT-E 8084	TRECO, Incorporated, Salt Lake City, UT.	49 CFR 173.65(a)(5)	Approval for an alternative packaging; identified as "Tovex T-1 Coils", a 50 foot long, 3/4 inch diameter tube overpacked in outside packaging prescribed in 173.65 (a)(1) and (a)(2). (Modes 1, 2, and 3.)
8084-X	DOT-E 8084	Explosives Technologies International, Inc. (ETI), Wilmington, DE.	49 CFR 173.65(a)(5)	Approval for an alternative packaging; identified as "Tovex T-1 Coils", a 50 foot long, 3/4 inch diameter tube overpacked in outside packaging prescribed in 173.65 (a)(1) and (a)(2). (Modes 1, 2, and 3.)
8084-X	DOT-E 8084	Austin Powder Company, Cleveland, OH.	49 CFR 173.65(a)(5)	Approval for an alternative packaging; identified as "Tovex T-1 Coils", a 50 foot long, 3/4 inch diameter tube overpacked in outside packaging prescribed in 173.65 (a)(1) and (a)(2). (Modes 1, 2, and 3.)
8086-X	DOT-E 8086	U.S. Department of Defense, Falls Church, VA.	49 CFR 172.101, 172.102, 172.301, 173.118(b), 173.119, 173.206, 173.87	To authorize transport of a cruise missile containing hazardous materials. (Mode 1.)
8086-X	DOT-E 8086	Boeing Aerospace Company, Seattle, WA.	49 CFR 172.101, 172.102, 172.301, 173.118(b), 173.119, 173.206, 173.87	To authorize transport of a cruise missile containing hazardous materials. (Mode 1.)
8094-X	DOT-E 8094	Milport Chemical Company, Milwaukee, WI.	49 CFR 173.245, 173.249, 173.263, 173.268, 173.272	To authorize shipment of corrosive materials in a DOT Specification 56 tank where a DOT Specification 60 tank is permitted in the regulations. (Mode 1.)
8099-X	DOT-E 8099	Phone-Poulenc Ag Company, Research Triangle Park, NC.	49 CFR 173.365(a)(15)	To authorize use of non-DOT specification corrugated fiberboard boxes with an inner heat-sealed bag, for transportation of poisonous solids. (Modes 1, 2, and 3.)
8119-X	DOT-E 8119	BJ Services, Houston, TX	49 CFR 173.119(a), (m), 173.245(a), 173.263(a), 178.342-5, 178.343-5	To authorize use of a non-DOT specification cargo tank designed and constructed in full compliance with DOT Specification MC-307 or MC-312 with certain exceptions, for transportation of certain corrosive and flammable liquids. (Mode 1.)
8125-X	DOT-E 8125	Arbel-Fauvet-Rail, Paris France	49 CFR 173.123, 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain flammable and nonflammable gases and flammable liquids. (Modes 1, 2, and 3.)
8126-X	DOT-E 8126	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.123, 173.315, 174.63(b)	To authorize use of non-DOT specification portable tanks, for transportation of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid. (Modes 1, 2, and 3.)
8127-X	DOT-E 8127	Societe National de Poudres et Explosifs (SNPE), Bergerac, France.	49 CFR 171.12(d), 173.184, 178.224	To authorize use of a non-DOT specification fiberboard drum, for shipment of wet nitrocellulose. (Modes 1, 2, and 3.)
8127-X	DOT-E 8127	Ercros, S.A., Madrid, Spain	49 CFR 171.12(d), 173.184, 178.224	To authorize use of a non-DOT specification fiberboard drum, for shipment of wet nitrocellulose. (Modes 1, 2, and 3.)
8141-X	DOT-E 8141	Altus Corporation, San Jose, CA	49 CFR 172.101, 173.247	To authorize transport of individual cells and modules consisting of three cells containing lithium metal and thionyl chloride in non-DOT specification wooden boxes. (Modes 1 and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8141-X	DOT-E 8141	Boeing Aerospace & Electronics, Seattle, WA.	49 CFR 172.101, 173.206, 173.247	To authorize transport of individual cells and modules consisting of three cells containing lithium metal and thionyl chloride in non-DOT specification wooden boxes. (Modes 1 and 3.)
8141-X	DOT-E 8141	Yardney Technical Products, Inc., Pawcatuck, CT.	49 CFR 172.101, 173.206, 173.247.	To authorize use of individual cells and modules consisting of three cells containing lithium metal and thionyl chloride in non-DOT specification wooden boxes. (Modes 1 and 3)
8178-X	DOT-E 8178	National Aeronautics & Space Administration (NASA), Washington, DC.	49 CFR 173.302(a), 173.34(d), 175.3.	To authorize use of a non-DOT specification cylinder, for a compressed nonliquefied gas. (Modes 1 and 4.)
8196-X	DOT-E 8196	Eurotainer, S.A., Paris, France.	49 CFR 173.119, 173.315(a), 178.245.	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases. (Modes 1, 2, and 3.)
8196-X	DOT-E 8196	Societe Auxiliaire de Transports et d'Industries, Paris, France.	49 CFR 173.119, 173.315(a), 178.245.	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases. (Modes 1, 2, and 3.)
8207-X	DOT-E 8207	ChemRex, Inc., Commerce City, CO.	49 CFR 171.12(b), 172.101, 173.245(a)(17), 175.3, 178.131.	To authorize and alternative shipping name. (Modes 1, 2, 3, and 4.)
8214-P	DOT-E 8214	Subaru of America, Cherry Hill, NJ.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214 (Modes 1, 2, 3, and 4.)
8214-P	DOT-E 8214	TG (U.S.A.) Corporation, Perryville, MO.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214 (Modes 1, 2, 3, and 4.)
8214-P	DOT-E 8214	Flint Packaging, Inc., Burton, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214 (Modes 1, 2, 3, and 4.)
8214-P	DOT-E 8214	Alfa Romeo Distributors of North America, Orlando, FL.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214 (Modes 1, 2, 3, and 4.)
8214-X	DOT-E 8214	Ford Motor Company, Dearborn, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, and 4.)
8214-X	DOT-E 8214	Mercedes-Benz of North America, Inc., Montvale, NJ.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, and 4.)
8214-X	DOT-E 8214	Morton International, Inc., Ogden, UT.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, and 4.)
8214-X	DOT-E 8214	Volkswagen of America, Inc., Troy, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, and 4.)
8214-X	DOT-E 8214	Isuzu Motors America, Inc., Whitier, CA.	49 CFR 171.111 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, and 4.)
8215-X	DOT-E 8215	Olin Corporation—Winchester Group, East Alton, IL.	49 CFR 173.101, 173.107, 173.60, 173.74, 173.78, 173.93.	To authorize shipment of scrap nitrocellulose, wet not to exceed 20% water, classed as flammable solid, in non-DOT specification containers. (Modes 1 and 2.)
8220-X	DOT-E 8220	Applied Companies, San Fernando, CA.	40 CFR 173.320(a), 175.3.	To authorize use of non-DOT specification girth welded steel cylinders, for transportation of nonflammable compressed gases, by aircraft and military weapons systems use only. (Modes 1, 2, and 4.)
8225-X	DOT-E 8225	Hoover Group, Inc., Beatrice, NE.	49 CFR 173.118a, 173.119, 173.256, 173.266, 176.340, Part 173, Subpart F.	To authorize use of new high density polyethylene resin Paxon 7004 in the manufacture of the 8225 tanks. (Modes 1, 2, and 3).
8230-X	DOT-E 8230	GFS Chemicals, Inc., Powell, OH.	49 CFR 173.268(b)(6), 173.269(a)(4).	To authorize shipment of certain oxidizers, in non-DOT specification inside containers packed in DOT Specification 33A single bottle case. (Modes 1, 2, 3, and 4.)
8232-X	DOT-E 8232	Eurotainers, S.A., Paris, France.	49 CFR 173.123(a), 173.315	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases and a flammable liquid. (Modes 1, 2, and 3.)
8232-X	DOT-E 8232	Societe Auxiliaire de Transport et d'Industries, Paris, France.	49 CFR 173.123(a), 173.315	To authorize use of a non-DOT specification portable tank, for transportation of certain compressed gases and a flammable liquid. (Modes 1, 2, and 3.)
8236-X	DOT-E 8236	TRW Safety Systems/Mesa, Mesa, AZ.	49 CFR 171.111 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of a passive restraint system, and of the inflator therefor, containing a class B explosive as a flammable solid. (Modes 1, 2, 3, and 4.)
8236-X	DOT-E 8236	TRW Safety Systems/Mesa, Mesa, AZ.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize additional inflators and modules for passenger restraining systems classed as flammable solids. (Modes 1, 2, 3, and 4.)
8236-P	DOT-E 8236	Flint Packaging, Inc., Burton, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8236 (Modes 1, 2, 3, and 4.)
8236-X	DOT-E 8236	Ford Motor Company, Dearborn, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of a passive restraint system, and the inflator therefor, containing a class B explosive as a flammable solid. (Modes 1, 2, 3, and 4.)
8248-P	DOT-E 8248	Advanced Delivery & Chemical Systems, Inc., Burnet, TX.	49 CFR 173.245, 173.247, 173.271, 178.170.	To become a party to exemption 8248 (Mode 1.)
8248-P	DOT-E 8248	Cabot Corporation, Revere, PA.	49 CFR 173.245, 173.247, 173.271, 178.170.	To become a party to exemption 8248 (Mode 1.)
8273-P	DOT-E 8273	Flint Packaging, Inc., Burton, MI.	49 CFR 171.11, (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8273 (Mode 1, 2, 3, and 4.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8307-P	DOT-E 8307	Conax Florida Corporation, St. Petersburg, FL	49 CFR 173.21, 173.247, 173.25(b), 175.3	To become a party to exemption 8307 (Mode 1, 2, 3, and 4.)
8308-X	DOT-E 8308	MHC Messengers, Inc., Avenel, NJ	49 CFR 173.447(a), 177.842(a), 177.842(b)	To authorize carriage of non-fissile radioactive materials packages via motor vehicles when their combined transport index exceeds 50 and/or the separation distance criteria cannot be met. (Mode 1.)
8308-X	DOT-E 8308	Associated Couriers, Inc., Maryland Heights, MO	49 CFR 173.447(a), 177.842(a), 177.842(b)	To authorize carriage of non-fissile radioactive materials packages via motor vehicles when their combined transport index exceeds 50 and/or the separation distance criteria cannot be met. (Mode 1.)
8308-X	DOT-E 8308	Del-Med, Inc., South Plainfield, NJ	49 CFR 173.447(a), 177.842(a), 177.842(b)	To authorize carriage of non-fissile radioactive materials packages via motor vehicles when their combined transport index exceeds 50 and/or the separation distance criteria cannot be met. (Mode 1.)
8337-X	DOT-E 8337	Industrial & Municipal Engineering, Inc., Galva, IL	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 except for bottom outlet valve variation, for shipment of liquid and semi-solid waste material. (Mode 1.)
8396-X	DOT-E 8396	Catalyst Resources, Inc., Elyria, OH	49 CFR 173.119, 173.21, 173.221	To authorize an alternate Type MC-307 cargo tank for shipment of organic peroxide solution, n.o.s. (Mode 1.)
8397-X	DOT-E 8397	Mauser Packaging, Limited, Litchfield, CT	49 CFR 173.154, 173.160, 173.191, 173.217, 173.245b, 173.945, 178.16	To authorize manufacture, marking and sale of non-DOT specification, nonreusable, molded polyethylene drums with fully removable head, for transportation of various dry hazardous materials. (Modes 1, 2, and 3.)
8426-X	DOT-E 8426	Containerized Chemical Disposal, Inc., Montclair, CA	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 with certain exceptions, for transportation of liquid and semi-solid waste materials. (Mode 1.)
8426-X	DOT-E 8426	Ancon Environmental Services, Wilmington, CA	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 with certain exceptions, for transportation of liquid and semi-solid waste materials. (Mode 1.)
8431-X	DOT-E 8431	Dow Chemical Company, Midland, MI	49 CFR 173.294(a)(2), 179.202-16	To authorize shipment of monochloroacetic acid solution in DOT Specification 111A100W6 insulated tank cars. (Mode 2.)
8436-X	DOT-E 8436	Organic Peroxides Div. of Atochem North America, Buffalo, NY	49 CFR 173.119(m), 173.154	To authorize transport of a flammable liquid which is also an organic peroxide, in a DOT Specification MC-331 cargo tank. (Mode 1.)
8439-X	DOT-E 8439	Walter Kidde, Wilson, NC	49 CFR 173.302, 173.304, 175.3, 178.53	To authorize manufacture, marking and sale of non-DOT specification cylinders complying with DOT Specification 4DS, with certain exceptions, for shipment of various nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
8445-X	DOT-E 8445	Keegan Technology & Testing Associates, Inc., South Plainfield, NJ	49 CFR 173, Subparts D, E, F, H	To authorize shipment of various hazardous substances and wastes packed inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purpose of disposal, repackaging or reprocessing. (Mode 1.)
8451-X	DOT-E 8451	Rocket Research Company, Redmond, WA	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8451-X	DOT-E 8451	Quantic Industries, Inc., San Carlos, CA	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8451-X	DOT-E 8451	Olin Chemicals Group Research Center, Stamford, CT	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8451-X	DOT-E 8451	ICI Americas, Inc., Byron, GA	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8451-X	DOT-E 8451	Talley Defense Systems, Inc., Mesa, AZ	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8451-X	DOT-E 8451	Schlumberger Well Services, Richardson, TX	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8451-X	DOT-E 8451	Unidynamics Phoenix, Inc., Good-year, AZ.	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8451-P	DOT-E 8451	Scot, Incorporated, Downers Grove, IL	49 CFR 173.65, 173.86(e), 175.3	To become a party to exemption 8451 (Modes 1, 2, and 4.)
8451-X	DOT-E 8451	Boeing Commercial Airplane Group, Wichita, KS.	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8451-P	DOT-E 8451	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.65, 173.86(e), 175.3	To become a party to exemption 8451 (Modes 1, 2, and 4.)
8451-X	DOT-E 8451	Teledyne McCormick Selph, Hollister, CA.	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8451-P	DOT-E 8451	GOEX International, Inc., Moosic, PA.	49 CFR 173.65, 173.86(e), 175.3	To become a party to exemption 8451 (Modes 1, 2, and 4.)
8451-X	DOT-E 8451	Aerojet Propulsion Division, Sacramento, CA.	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a special shipping container, classed as Class C explosive. (Modes 1, 2, and 4.)
8451-P	DOT-E 8451	Day & Zimmerman, Inc., Texarkana, TX.	49 CFR 173.65, 173.86(e), 175.3	To become a party to exemption 8451 (Modes 1, 2, and 4.)
8453-P	DOT-E 8453	Mesabi Powder Company, Hibbing, MN.	49 CFR 173.114a	To become a party to exemption 8453 (Modes 1 and 3.)
8453-P	DOT-E 8453	Green Mountain Explosives, Inc., Auburn, NH.	49 CFR 173.114a	To become a party to exemption 8453 (Modes 1 and 3.)
8453-P	DOT-E 8453	Alaska-Pacific Powder Company, Anchorage, AK.	49 CFR 173.114a	To become a party to exemption 8453 (Modes 1 and 3.)
8453-X	DOT-E 8453	Atlas Powder Company, Dallas, TX.	49 CFR 173.114a	To authorize use of non-DOT specification cargo tanks and DOT Specification MC-306, MC-307, or MC-312 stainless steel cargo tanks, to transport blasting agent. (Modes 1 and 3.)
8458-X	DOT-E 8458	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.31(c) Table 1, 179.202-12(b).	To authorize use of converted DOT Specification tank cars with an extended retest period and authorizes a safety relief device on tank cars containing sulfuric acid. (Modes 2.)
8472-X	DOT-E 8472	Omhart Corporation, Cincinnati, OH.	49 CFR 173.302, 175.3	To authorize an additional model of a non-DOT specification device described as ionization chamber for transportation of argon, classed as compressed gas. (Modes 1, 2, 3, 4, and 5.)
8472-X	DOT-E 8472	The Omhart Corporation, Cincinnati, OH.	49 CFR 173.302, 175.3	To authorize use of non-DOT specification, metal, single trip, inside container, for shipment of a nonflammable gas. (Modes 1, 2, 3, 4, and 5.)
8473-X	DOT-E 8473	EVA Eisenbahn-Verkehrsmittel GmbH 4000 Dusseldorf 1, West Germany.	49 CFR 173.122	To authorize use of non-DOT specification IMCO Type 5 portable tanks for shipment of a flammable liquid. (Modes 1, 2, and 3.)
8473-P	DOT-E 8473	Eurotainer SA, Inc., Paris, France	49 CFR 173.122	To become a party to exemption 8473 (Modes 1, 2, and 3.)
8473-X	DOT-E 8473	Baker Performance Chemicals, Inc., Houston, TX.	49 CFR 173.122	To authorize use of non-DOT specification IMCO Type 5 portable tanks for shipment of a flammable liquid. (Modes 1, 2, and 3.)
8473-X	DOT-E 8473	Degussa Corporation, Ridgefield Park, NJ.	49 CFR 173.122	To authorize use of non-DOT specification IMCO Type 5 portable tanks for shipment of a flammable liquid. (Modes 1, 2, and 3.)
8477-X	DOT-E 8477	Mobay Corporation, Pittsburgh, PA.	49 CFR 173.247(a)	To authorize use of a noninsulated DOT Specification 111A100W6 tank car tanks, for transportation of thionyl chloride. (Mode 2.)
8480-X	DOT-E 8480	Gillette Company, Boston, MA	49 CFR 173.21(e), 173.24(a)(1), 175.3, Parts 172, 177.	To authorize transport of a flammable gas in a device which allows a slow rate of leakage of the gas. (Modes 1, 2, 3, and 5.)
8494-X	DOT-E 8494	Fruehauf Trailers—Liquid and Bulk Tank Division, Omaha, NE.	49 CFR 178.342-6(a)	To authorize manufacture, marking and sale of DOT Specification MC-307 aluminum cargo tanks equipped with glass sight gauges in lieu of the acceptable gauging devices, for transportation of flammable liquids. (Mode 1.)
8495-P	DOT-E 8495	Northrop Corporation, Pico Rivera, CA.	49 CFR 173.304(a)(1), 175.3, 178.47.	To become a party to exemption 8495 (Modes 1, 2, 4, and 5.)
8498-X	DOT-E 8498	Hunter Drums, Limited Bramalea, Ontario, Canada.	49 CFR 173.266, Part 173 Subpart F.	To authorize the use of a 55-gallon DOT Specification 34 packaging to transport certain corrosive liquids and an oxidizer. (Modes 1, 2, and 3.)
8516-P	DOT-E 8516	Ireco Incorporated, Salt Lake City, UT.	49 CFR 176.83(b)	To become a party to exemption 8516 (Mode 3.)
8516-P	DOT-E 8516	Alaska-Pacific Powder Company, Anchorage, AK.	49 CFR 176.83(b)	To become a party to exemption 8516 (Mode 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8518-X	DOT-E 8518	Pacific Construction & Maintenance, Inc., Ventura, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 and MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-P	DOT-E 8518	Mitchell-Taylor and Sons, Inc., Bakersfield, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To become a party to exemption 8518 (Mode 1.)
8518-X	DOT-E 8518	Central Pumping Company, Inc., La Habra, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-X	DOT-E 8518	Ancon Environmental Services, Inc., Wilmington, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-X	DOT-E 8518	Ecology Control Industries, Ventura, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 and MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-X	DOT-E 8518	Lomita Gasoline Company, Long Beach, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-X	DOT-E 8518	Hayter Trucking, Inc., Taft, CA	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-X	DOT-E 8518	Denver Truck Sales, Commerce City, CO.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-X	DOT-E 8518	Barnett Trucking, Inc., Fillmore, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-X	DOT-E 8518	Universal Engineering, Inc., Benicia, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-X	DOT-E 8518	GSX Services of California, Inc., Martinez, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-X	DOT-E 8518	Unocal Oil & Gas Division, Ventura, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-X	DOT-E 8518	Shields Industries, Fontana, CA	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-X	DOT-E 8518	Crosby & Overton, Inc., Long Beach, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.345(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8518-X	DOT-E 8518	Gallighen, Inc., Ventura, CA	49 CFR 173.119 (a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8519-P	DOT-E 8519	Senator Linie, Martinister, West Germany.	49 CFR 176.905(L)	To become a party to exemption 8519 (Mode 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8519-X	DOT-E 8519	Atlantic Container Line, South Plainfield, NJ.	49 CFR 176.905(L)	To authorize stowage of motor vehicles with their fuel tanks containing gasoline, classed as a flammable liquid, in the same cargo compartment with other hazardous materials on specially equipped roll-on/roll-off cargo vessels. (Mode 3.)
8519-X	DOT-E 8519	Hoegh Ugland Auto Liners A/S, Oslo, Norway.	49 CFR 176.905(L)	To authorize stowage of motor vehicles with their fuel tanks containing gasoline, classed as a flammable liquid, in the same cargo compartment with other hazardous materials on specially equipped roll-on/roll-off cargo vessels. (Mode 3.)
8519-X	DOT-E 8519	Polish Ocean Lines, Gdynia, Poland.	49 CFR 176.905(L)	To authorize stowage of motor vehicles with their fuel tanks containing gasoline, classed as a flammable liquid, in the same cargo compartment with other hazardous materials on specially equipped roll-on/roll-off cargo vessels. (Mode 3.)
8520-X	DOT-E 8520	Atlas Powder Company, Dallas, TX.	49 CFR 173.114a(b)(6), 175.3	To authorize use of a "pipe test" on a material being evaluated as a blasting agent, instead of fire test prescribed in 173.114a(b)(6). (Modes 1, 2, 3, and 4.)
8522-X	DOT-E 8522	Tuscarora Plastics, Inc., Conyers, GA.	49 CFR 177.839(a), 177.839(b), 178.150, Part 173 Subpart F.	Request authorization to modify polystyrene case by increasing thickness; incorporate a third strap etc., for shipment of commodities authorized in DOT Specification 33A. (Modes 1, 2, and 3.)
8523-X	DOT-E 8523	Compagnie Des Containers Reservoirs, Paris, France.	49 CFR 173.304, 173.315	To authorize chloropentafluoroethane (r-115), classed as nonflammable gas, as an additional commodity. (Modes 1, 2, and 3.)
8526-X	DOT-E 8526	Phelco, Inc., St. Louis, MO	49 CFR 177.834(L)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases, in temperature controlled equipment. (Mode 1.)
8526-X	DOT-E 8526	North Star Transport, Inc., St. Paul, MN.	49 CFR 177.834(L)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases, in temperature controlled equipment. (Mode 1.)
8526-X	DOT-E 8526	National Starch and Chemical Corporation, Bridgewater, NJ.	49 CFR 177.834(L)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases, in temperature controlled equipment. (Mode 1.)
8526-X	DOT-E 8526	Birko Corporation, Westminster, CO.	49 CFR 177.834(L)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases, in temperature controlled equipment. (Mode 1.)
8526-X	DOT-E 8526	Key Way Transport, Inc., Baltimore, MD.	49 CFR 177.834(L)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases, in temperature controlled equipment. (Mode 1.)
8526-X	DOT-E 8526	Rohm and Haas Company, Philadelphia, PA.	49 CFR 177.834(L)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases, in temperature controlled equipment. (Mode 1.)
8526-P	DOT-E 8526	F.W. Newcomb Trucking, Muscatine, IA.	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526 (Mode 1.)
8526-P	DOT-E 8526	Carretta Trucking, Inc., Paramus, NJ.	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526 (Mode 1.)
8526-P	DOT-E 8526	Brandt Truck Line, Inc., Bloomington, IL.	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526 (Mode 1.)
8526-P	DOT-E 8526	Hallamore Corporation, Auburn, MA.	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526 (Mode 1.)
8526-P	DOT-E 8526	Burlington Motor Carriers, Inc., Joplin, MO.	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526 (Mode 1.)
8526-P	DOT-E 8526	Wingate/Taylor Maid, Inc., Albany, GA.	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526 (Mode 1.)
8526-P	DOT-E 8526	Monroe Trucking, Inc., West Monroe, LA.	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526 (Mode 1.)
8526-X	DOT-E 8526	Fore Way Express, Inc., Wausau, WI.	49 CFR 177.834(L)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases, in temperature-controlled equipment. (Mode 1.)
8526-P	DOT-E 8526	Ranger Transportation, Inc., Jacksonville, FL.	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526 (Mode 1.)
8526-P	DOT-E 8526	Transbas, Inc., Billings, MT	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526 (Mode 1.)
8538-X	DOT-E 8538	Atlas Powder Company, Dallas, TX.	49 CFR 173.62, 178.177	To authorize transport of liquid high explosives in DOT Specification 15M containers in which the inner copper containers and the rubber boots have been replaced with polyethylene containers. (Mode 1.)
8538-X	DOT-E 8538	Hercules, Inc., Wilmington, DE	49 CFR 173.62, 178.177	To authorize transport of liquid high explosives in DOT Specification 15M containers in which the inner copper containers and the rubber boots have been replaced with polyethylene containers. (Mode 1.)
8545-X	DOT-E 8545	Hercules, Inc., Wilmington, DE	49 CFR 173.62	To authorize transport of limited quantities of liquid high explosives in polyethylene bottles packed in a DOT Specification 37A drum, overpacked in a DOT Specification 15A wooden box. (Mode 1.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8552-X	DOT-E 8552	Brenner Tank, Inc., Fond du Lac, WI.	49 CFR 173.119 (a), (m), 173.245(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/MC-312 except for bottom outlet valve variations, for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)
8554-X	DOT-E 8554	Austin Powder Company, Cleveland, OH.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Atlas Powder Company, Dallas, TX.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Quick Supply Company, Des Moines, IA.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Farmers Supply & Explosives, Inc., Barbourville, KY.	49 CFR 173.114a, 173.154, 173.93.	To become a party to exemption 8554 (Mode 1 and 3.)
8554-X	DOT-E 8554	Mauer & Scott Inc., Lehigh Valley, PA.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	SherDeb Corporation, Lehigh Valley, PA.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Blasting Supplies Co. Inc., Lehigh Valley, PA.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	W.A. Murphy, Inc., El Monte, CA.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Energy Ventures Corp. dba Columbus Powder Company, Columbus, IN.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Econexpress, Inc., Wheaton, IL.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Pepin-Ireco, Inc., Ishpeming, MI.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Explosives Technologies International, Inc. (ETI), Wilmington, DE.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Minnesota Explosives Company, Biwabik, MN.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Dole Explosives, Inc., Rosemount, MN.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Piedmont Explosives, Inc., Statesville, NC.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-P	DOT-E 8554	Seco of Arkansas, Inc., Midland, AR.	49 CFR 173.114a, 173.154, 173.93.	To become a party to exemption 8554 (Modes 1 and 3.)
8554-X	DOT-E 8554	Evenson Explosives, Inc., Morris, IL.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Amos L. Dolby Company, Corsica, PA.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Mesabi Powder Company, Hibbing, MN.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Southwestern Explosives, Inc., Cleveland, OH.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-P	DOT-E 8554	Alaska-Pacific Powder Company, Anchorage, AK.	49 CFR 173.114a, 173.154, 173.93.	To become a party to exemption 8554 (Modes 1 and 3.)
8554-P	DOT-E 8554	Mt. State Bit Serice, Inc., Morgantown, WV.	49 CFR 173.114a, 173.154, 173.93.	To become a party to exemption 8554 (Modes 1 and 3.)
8554-P	DOT-E 8554	Mine Equipment & Mill Supply Company, Dawson Springs, KY.	49 CFR 173.114a, 173.154, 173.93.	To become a party to exemption 8554 (Modes 1 and 3.)
8554-X	DOT-E 8554	J.H. Van Amburgh Explosives, Inc., Dallas, TX.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
8554-X	DOT-E 8554	Ramac Explosives, Allentown, PA.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8554-X	DOT-E 8554	Buckley Powder Company, Englewood, CO.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MD-307 and MC-312 cargo tanks. (Mode 1 and 3.)
8554-P	DOT-E 8554	Diversified Spreader Services, Centerville, UT.	49 CFR 173.114a, 173.154, 173.93.	To become a party to exemption 8554 (Modes 1 and 3.)
8561-X	DOT-E 8561	HTL—Division of Pacific Scientific Company, Duarte, CA.	49 CFR 173.304(a)(1), 175.3, 178.44.	To authorize manufacture, marking and sale of non-DOT specification girth welded stainless steel cylinders, for transportation of a compressed gas. (Modes 1, 2, and 4.)
8569-X	DOT-E 8569	U.S. Department of the Army, Falls Church, VA.	49 CFR 172.101 Column 6(b), 173.276, 175.3.	To authorize carriage of class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Modes 1, 3, and 4.)
8569-P	DOT-E 8569	Northrop Corporation, Pico Rivera, CA.	49 CFR 172.101 Column 6(b), 173.276, 175.3.	To become a party to exemption 8569 (Modes 1, 3, and 4.)
8569-X	DOT-E 8569	General Dynamics Corporation, Fort Worth, TX.	49 CFR 172.101 Column 6(b), 173.276, 175.3.	To authorize carriage of class A, B, and C explosive not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Modes 1, 3, and 4.)
8570-X	DOT-E 8570	Snyder Industries, Inc., Lincoln, NE.	49 CFR 173.118a, 173.119, 173.266, 176.340, 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, crosslinked or non-crosslinked, polyethylene portable tank, for shipment of corrosive liquids, flammable liquids, combustible liquids or an oxidizer. (Modes 1, 2 and 3.)
8571-X	DOT-E 8571	EM Science, Cincinnati, OH.	49 CFR 173.119(a)(28), (b).	To authorize shipment of various flammable liquids package in a DOT Specification 12A corrugated fiberboard box, with two inside metal can not over 10 liters capacity each. (Mode 1.)
8580-X	DOT-E 8580	Priority Air, Incorporated, Sanford, FL.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B, and C explosive that are not permitted for air shipment or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
8582-P	DOT-E 8582	Wisconsin Central, Ltd., Rosemont, IL.	49 CFR Parts 100-177	To become a party to exemption 8582 (Mode 1.)
8582-P	DOT-E 8582	Elgin, Joliet and Eastern Railway Company, Joliet, IL.	49 CFR Parts 100-177	To become a party to exemption 8582 (Mode 1.)
8582-P	DOT-E 8582	Keokuk Junction Railway, Keokuk, IA.	49 CFR Parts 100-177	To become a party to exemption 8582 (Mode 1.)
8582-P	DOT-E 8582	Northeastern Illinois Regional Commuter Railroad Co., Chicago, IL.	49 CFR Parts 100-177	To become a party to exemption 8582 (Mode 1.)
8620-X	DOT-E 8620	Polar Tank Trailer, Inc., Holdingford, MN.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/MC-312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)
8645-X	DOT-E 8645	Mining Services International Corporation (MSI), Salt Lake City, UT.	49 CFR 173.154(a)(18)	To authorize bulk shipment of a thickened solution of an oxidizing material, commercially designated as "HEF", in DOT Specification MC-307 or MC-311 insulated cargo tanks at ambient temperature. (Mode 1.)
8678-X	DOT-E 8678	Eurotainer US, Inc., Somerset, NJ.	49 CFR 173.315	To renew and change six months shipping experience report requirement to two years to correspond with renewal application. (Modes 1, 2, and 3.)
8679-X	DOT-E 8679	MicroD International, Burnsville, MN.	49 CFR 172.101, Column 6(a), 172.400, 173.286, 175.3, 175.30.	To authorize shipment of a water reactive material via air when packaged in the same outside packaging with separately packaged small quantities of a flammable liquid, a corrosive liquid, a corrosive solid, and non-hazardous materials, in non-DOT specification corrugated fiberboard boxes. (Modes 1, 4, and 5.)
8692-X	DOT-E 8692	Mitsubishi International Corporation, New York, NY.	49 CFR 173.154	To authorize shipment of sodium persulfate and ammonium persulfate in collapsible polyethylene-lined, woven polypropylene bags having a capacity not to exceed 2,200 pounds each. (Modes 1, 2, and 3.)
8706-X	DOT-E 8706	Petro-Steel, Corsica, SD.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize modification of cargo tank by allowing increased diameters, varying thickness of metal, and moving head gasket. (Mode 1.)
8723-X	DOT-E 8723	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize a combustible liquid as an additional commodity contain in bulk containers for shipment by water. (Modes 1 and 3.)
8723-X	DOT-E 8723	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize certain cargo units identified under DOT-E 4453 to be included for use under DOT-E 8723 for shipment of certain blasting agents in bulk. (Modes 1 and 3.)
8723-X	DOT-E 8723	Winchester Building Supply Co., Inc., Winchester, VA.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8723-X	DOT-E 8723	Explosives Experts, Inc., Sparks, MD.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	SherDeb Corporation Lehigh Valley, PA.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Austin Powder Company, Cleveland, OH.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Atlas Powder Company, Dallas, TX.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-P	DOT-E 8723	Southeastern Energy, Inc., Louisville, TN.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To become a party to exemption 8723 (Modes 1 and 3.)
8723-X	DOT-E 8723	Dyna-Blast, Inc., Nortonville, KY	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Strawn Explosives, Inc., Dallas, TX.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Minnesota Explosives Company, Biwabik, MN.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Pepin-Ireco, Inc., Ishpeming, MI	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Wampun Hardware Company, New Galilee, PA.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-P	DOT-E 8723	Piedmont Explosives, Inc., Statesville, NC.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To become a party to exemption 8723 (Modes 1 and 3.)
8723-X	DOT-E 8723	Alpha, Ireco Inc., Lincoln, CA	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	IRECO, Ireco Incorporated, Salt Lake City, UT.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Econoexpress, Inc., Wheaton, IL	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Roundup Powder Company	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Cherokee Explosives, Inc., Plainville, CT.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Explosives Supply Company, Inc., Shirley, MA.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	A.E. Sibley, Inc., Middlefield, CT	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Ren-Lol, Inc., Cuddy, PA	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Explo, Inc., Cuddy, PA	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Blasting Products, Inc., Cuddy, PA.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	H.L. & A.G. Balsinger, Inc., Cuddy, PA.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-X	DOT-E 8723	Mountaineer Explosives, Inc., Cuddy, PA.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
8723-P	DOT-E 8723	Mine Equipment & Mill Supply Company, Dawson Springs, KY.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To become a party to exemption 8723 (Modes 1 and 3.)
8733-X	DOT-E 8733	ICI Americas, Inc., Wilmington, DE	49 CFR 173.315	To authorize use of a non-DOT specification IMO Type 5 portable tank, for transportation of liquefied compressed gases (Modes 1, 2, and 3.)
8735-P	DOT-E 8735	Northrop Corporation, Pico Rivera, CA.	49 CFR 178.19, Part 173, Subpart D, F.	To become a party to exemption 8735 (Modes 1, 2, and 3.)
8741-X	DOT-E 8741	Alpha Aviation, Inc., Dallas, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8748-X	DOT-E 8748	Reuter-Stokes, Inc., Twinsburg, OH.	49 CFR 172.101, 173.302, 175.3	To authorize use of non-DOT specification containers, for transportation of a nonflammable gas. (Modes 1, 2, 3, 4, and 5.)
8748-X	DOT-E 8748	Battelle, Pacific Northwest Laboratories, Richland, WA.	49 CFR 172.101, 173.302, 175.3	To authorize use of non-DOT specification containers, for transportation of a nonflammable gas. (Modes 1, 2, 3, 4, and 5.)
8757-X	DOT-E 8757	Y-Z Industries, Inc., Snyder, TX.	49 CFR 173.302(a)(1), 173.304(a)(1), 175.3, 178.42	To authorize manufacture, marking and sale of non-DOT specification stainless steel cylinders, for shipment of compressed gases. (Modes 1, 2, 3, and 4.)
8760-X	DOT-E 8760	Barton Solvents, Inc., Des Moines, IA.	49 CFR 172.328, 172.334(b)	To authorize display of FLAMMABLE placards, showing identification 1993, cargo tanks that have six or more compartments and that are used to ship one or more materials. (Mode 1.)
8761-X	DOT-E 8761	The Heil Company, Athens, TN.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of liquid and semi-solid waste materials. (Mode 1.)
8787-X	DOT-E 8787	Motorola, Inc.—Semiconductor Sector, Phoenix, AZ.	49 CFR 173.119(a)(7), 173.249(a)(13), 173.272(g), 173.299(a)(1).	To authorize transport of certain flammable and corrosive liquids in DOT Specification 2E polyethylene bottles, packed in a DOT Specification 12B fiberboard box. (Mode 1.)
8802-P	DOT-E 8802	Eurotainer SA, Inc., Paris, France.	49 CFR 173.315	To become a party to exemption 8802 (Modes 1, 2, and 3.)
8909-X	DOT-E 8809	Sonoco Fibre Drum, Inc., Lombard, IL.	49 CFR 178.225, Part 173	To authorize manufacture, marking and sale non-DOT specification fibre drum overpacks for 15-gal capacity inner polyethylene container, similar to DOT-21P/2U except top head is molded polyolefin polymer secured to drum by wire stitches for shipment of commodities authorized in DOT-21P/2U composite. (Modes 1, 2, and 3.)
8815-X	DOT-E 8815	Nelson Brothers, Inc., Parrish, AL.	49 CFR 173.114a(b)	To authorize transport of certain blasting agents in a cement mixer motor vehicle. (Mode 1.)
8815-X	DOT-E 8815	Atlas Powder Company, Dallas, TX.	49 CFR 173.114a(b)	To authorize transport of certain blasting agents in a cement mixer motor vehicle. (Mode 1.)
8820-X	DOT-E 8820	SLEMI, Paris, France	49 CFR 173.315	To authorize use of a non-DOT specification IMO Type 5 portable tank, for transportation of liquefied compressed gases. (Modes 1, 2, and 3.)
8820-X	DOT-E 8820	Arbel-Fauvet-Rail, St. Laurent-Balngy, France.	49 CFR 173.315	To authorize use of a non-DOT specification IMO Type 5 portable tank, for transportation of liquefied compressed gases. (Modes 1, 2, and 3.)
8826-X	DOT-E 8826	Phoenix Air, Cartersville, GA.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize renewal and an alternative notification procedure to provide the FAA with advance notice of an operation (Mode 4.)
8839-X	DOT-E 8839	Poly Processing Company, Inc., Monroe, LA.	49 CFR 172.101, 173.114a(h)(3), 173.266, 173.268, 176.415, 176.83, 178.19, Part 173, Subpart D, F.	To authorize marking by etching or stamping of the certification into the polyethylene of the portable tanks and to modify periodic testing requirements. (Modes 1, 2, and 3.)
8839-X	DOT-E 8839	Poly Processing Company, Inc., Monroe, LA.	49 CFR 172.101, 173.114a(h)(3), 173.266, 173.268, 176.415, 176.83, 178.19, Part 173, Subpart D, F.	To authorize shipment of 10% nitric acid solution, classed as oxidizer, in non-DOT specification polyethylene portable tanks. (Modes 1, 2, and 3.)
8839-X	DOT-E 8839	Poly Cal Plastics, Inc., French Camp, CA.	49 CFR 172.101, 173.114a(h)(3), 173.266, 173.268, 176.415, 176.83, 178.19, Part 173, Subpart D, F.	To authorize shipment of 10% nitric acid solution, classed as oxidizer, in non-DOT specification polyethylene portable tanks. (Modes 1, 2, and 3.)
8845-X	DOT-E 8845	Wedge Wireline, Inc., Arlington, TX.	49 CFR 173.110(c)(1), 173.80(b), 173.80(c).	To authorize transport of charged oil well jet perforating guns with detonators attached. (Modes 1 and 3.)
8845-P	DOT-E 8845	Computalog Wireline Services, Inc., Houston, TX.	49 CFR 173.100(c)(1), 173.80(b), 173.80(c).	To become a party to exemption 8845 (Modes 1 and 3.)
8850-X	DOT-E 8850	Hoover Group, Inc., Beatrice, NE.	49 CFR Part 173, Subparts D, E, F, H, K.	To authorize manufacture, marking and sale of non-DOT specification stainless steel, cubical-shaped container of 70-gallon capacity, for shipment of those liquid hazardous materials for which DOT Specification 5, 5B, 5C or 17E drums are prescribed. (Modes 1, 2, and 3.)
8854-X	DOT-E 8854	Arbel-Fauvet-Rail, Neuilly-Sur-Seine, France.	49 CFR 173.264(b)(4)	To authorize use of non-DOT specification IMO Type 5 portable tanks for transportation of anhydrous hydrofluoric acid. (Modes 1, 2, and 3.)
8860-X	DOT-E 8860	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.31(c), Retest Table 1.	To authorize use of DOT Specification 103W and 103EW tank cars with extended retest periods, for transportation of certain corrosive materials and oxidizers. (Mode 2.)
8861-X	DOT-E 8861	Hoover Group, Inc., Beatrice, NE.	49 CFR 173.119(m), 173.346, 173.349, 173.352.	To authorize manufacture, marking and sale of DOT Specification 57 portable tanks, for shipment of various flammable liquids which are also corrosive or poison and certain Class B poison liquids. (Modes 1 and 2.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8862-X	DOT-E 8862	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide and ethylene oxide with an inert gas blanket in a DOT Specification 5P lagged steel drum. (Mode 1.)
8862-X	DOT-E 8862	Linde Gases of the West, Inc., San Ramon, CA.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide and ethylene oxide with an inert gas blanket in a DOT Specification 5P lagged steel drum. (Mode 1.)
8862-X	DOT-E 8862	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide and ethylene oxide with an inert gas blanket in a DOT Specification 5P lagged steel drum. (Mode 1.)
8862-X	DOT-E 8862	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide and ethylene oxide with an inert gas blanket in a DOT Specification 5P lagged steel drum. (Mode 1.)
8862-X	DOT-E 8862	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide and ethylene oxide with an inert gas blanket in a DOT Specification 5P lagged steel drum. (Mode 1.)
8862-X	DOT-E 8862	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide and ethylene oxide with an inert gas blanket in a DOT Specification 5P lagged steel drum. (Mode 1.)
8862-X	DOT-E 8862	Linde Gases of the Southeast, Inc., Wilmington, NC.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide and ethylene oxide with an inert gas blanket in a DOT Specification 5P lagged steel drum. (Mode 1.)
8862-X	DOT-E 8862	Unigas, Inc., Mercedita, PR.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide and ethylene oxide with an inert gas blanket in a DOT Specification 5P lagged steel drum. (Mode 1.)
8862-X	DOT-E 8862	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide and ethylene oxide with an inert gas blanket in a DOT Specification 5P lagged steel drum. (Mode 1.)
8862-X	DOT-E 8862	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide and ethylene oxide with an inert gas blanket in a DOT Specification 5P lagged steel drum. (Mode 1.)
8862-X	DOT-E 8862	GenEx, Ltd. Des Moines, IA.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide and ethylene oxide with an inert gas blanket in a DOT Specification 5P lagged steel drum. (Mode 1.)
8862-X	DOT-E 8862	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide and ethylene oxide with an inert gas blanket in a DOT Specification 5P lagged steel drum. (Mode 1.)
8862-X	DOT-E 8862	ARC Chemical Division Balcchem Corporation, Slate Hill, NY.	49 CFR 173.119, 173.124(a)(4), 173.305.	To authorize shipment of propylene oxide, classed as a flammable liquid, in DOT Specification 5P lagged steel drums. (Mode 1.)
8864-X	DOT-E 8864	Miller Transporters, Inc., Jackson, MS.	49 CFR 173.245(a), 178.340-10, 178.340-8, 178.341-3, 178.341-4, 178.341-5, 178.341-7.	To authorize use of non-DOT specification cargo tanks and DOT Specification MC-303, MC-305 and MC-306 cargo tanks, for transportation of corrosive liquids. (Mode 1.)
8865-X	DOT-E 8865	Carleton Technologies, Inc., Orchard Park, NY.	49 CFR 173.302(a)(4), 175.3	To authorize use of nonrefillable, non-DOT specification cylinders, for transportation of a nonflammable gas. (Modes 1, 2, and 4.)
8867-X	DOT-E 8867	3M Transportation Company, St. Paul, MN.	49 CFR 173.119(k), 175.3	To authorize shipment of a certain viscous flammable liquid, n.o.s. in a polyvinyl chloride bottle, overpacked six to a DOT Specification 12B fiberboard box. (Modes 1, 2, and 4.)
8873-X	DOT-E 8873	Akzo Chemicals, Inc., Chicago, IL.	49 CFR 173.121	To authorize use of DOT Specification MC-312 cargo tanks, for transportation of carbon disulfide or carbon bisulfide. (Mode 1.)
8877-X	DOT-E 8877	Mallinckrodt Specialty Chemicals Company, Paris, KY.	49 CFR 173.119, 173.245	To authorize shipment of certain materials described as flammable liquid, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s. in DOT-12B65, 12A65 and 12A80 fiberboard boxes with inside glass bottles having a capacity not to exceed one gallon. (Modes 1, 2, and 3.)
8877-X	DOT-E 8877	Hoechst Celanese Corporation, Somerville, NJ.	49 CFR 173.119, 173.245	To authorize shipment of certain materials described as flammable liquid, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s. in DOT-12B65, 12A65 and 12A80 fiberboard boxes with inside glass bottles having a capacity not to exceed one gallon. (Modes 1, 2, and 3.)
8877-X	DOT-E 8877	Union Carbide Chemicals & Plastics Company Inc., Charleston, WV.	49 CFR 173.119, 173.245	To authorize shipment of certain materials described as flammable liquid, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s. in DOT-12B65, 12A65 and 12A80 fiberboard boxes with inside glass bottles having a capacity not to exceed one gallon. (Modes 1, 2, and 3.)
8877-X	DOT-E 8877	KTI Chemicals, Inc., Danbury, CT.	49 CFR 173.119, 173.245	To authorize shipment of certain materials described as flammable liquid, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s. in DOT-12B65, 12A65 and 12A80 fiberboard boxes with inside glass bottles having a capacity not to exceed one gallon. (Modes 1, 2, and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8877-X	DOT-E 8877	PCR, Incorporated, Gainesville, FL	49 CFR 173.119, 173.245	To authorize shipment of certain materials described as flammable liquid, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s. in DOT-12B65, 12A65 and 12A80 fiberboard boxes with inside glass bottles having a capacity not to exceed one gallon. (Modes 1, 2, and 3.)
8878-X	DOT-E 8878	Corning Incorporated, Corning, NY	49 CFR 173.245	To authorize shipment of germanium tetrachloride, corrosive liquid, n.o.s., in glass containers of less than 3 gallon capacity, surrounded by vermiculite placed in a cylindrical steel overpack, packed six to a compartmented wooden box. (Mode 1.)
8878-X	DOT-E 8878	Amalgamet Canada-Division of Premetalco, Inc. Toronto, Ontario, Canada, NY	49 CFR 173.245	To authorize shipment of germanium tetrachloride, corrosive liquid, n.o.s., in glass containers of less than 3 gallon capacity, surrounded by vermiculite placed in a cylindrical steel overpack, packed six to a compartmented wooden box. (Mode 1.)
8878-X	DOT-E 8878	Preussag Pure Metals GmbH, Langelsheim, West Germany	49 CFR 173.245	To authorize shipment of germanium tetrachloride, corrosive liquid, n.o.s., in glass containers of less than 3 gallon capacity, surrounded by vermiculite placed in a cylindrical steel overpack, packed six to a compartmented wooden box. (Mode 1.)
8891-X	DOT-E 8891	BIC Corporation, Milford, CT	49 CFR 173.21, 173.308, 175.3	To renew, and to authorize water, passenger and cargo aircraft as additional modes of transportation. (Modes 1, 2, 3, and 4.)
8893-X	DOT-E 8893	Atlas Powder Company, Dallas, TX	49 CFR 172.101	To authorize transport of a mixture containing, by weight, 10% trimethylethane trinitrate and 90% methanol, in DOT Specification drums. (Mode 1.)
8898-X	DOT-E 8898	Petrolane Gas Service, Kent, WA	49 CFR 173.315	To authorize use of a non-DOT specification ASME Code stamped portable tank, for transportation of liquefied compressed gases. (Modes 1 and 3.)
8901-X	DOT-E 8901	Douglas Chemical Company, Liberty, MO	49 CFR 173.357	To authorize shipment of chloropicrin, in polyethylene bottles overpacked in non-DOT specification triple-wall, A-A-C flute, corrugated fiberboard boxes. (Mode 1.)
8901-X	DOT-E 8901	Great Lakes Chemical Corporation, EL Dorado, AR	49 CFR 173.357	To authorize shipment of chloropicrin, in polyethylene bottles overpacked in non-DOT specification triple-wall, A-A-C flute, corrugated fiberboard boxes. (Mode 1.)
8901-X	DOT-E 8901	Hopkins Agricultural Chemical Company, Madison, WI	49 CFR 173.357	To authorize shipment of chloropicrin, in polyethylene bottles overpacked in non-DOT specification triple-wall, A-A-C flute, corrugated fiberboard boxes. (Mode 1.)
8904-X	DOT-E 8904	Keith Huber, Inc., Gulfport, MS	49 CFR 173.119 (a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations and certain other features, for transportation of flammable, corrosive or poisonous waste liquids or semi-solids. (Mode 1.)
8906-X	DOT-E 8906	FMC Corporation, Philadelphia, PA	49 CFR 173.365	To authorize shipment of used, essentially empty containers that contain residual amounts of carbofuran, packed in a non-DOT specification double wall BC flute corrugated fiberboard box. (Mode 1.)
8910-X	DOT-E 8910	Canbar, Inc., Waterloo, Ontario, Canada	49 CFR 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, linear low density polyethylene portable tank enclosed in a steel cage, for shipment of corrosive liquids. (Modes 1 and 2.)
8911-X	DOT-E 8911	Olin Corporation, East Alton, IL	49 CFR 173.101	To authorize shipment of scrap, guillotined small arms ammunition loosely packed in non-DOT specification, nonreusable, closed-top wooden crates fiberboard boxes, or aluminum bins in truck load lots to an incinerator for disposal. (Mode 1.)
8913-X	DOT-E 8913	Eurotainer, S.A., Paris, France	49 CFR 173.119(a)(25)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for shipment of flammable liquids. (Modes 1, 2, and 3.)
8915-X	DOT-E 8915	Liquid Air Corporation, Walnut Creek, CA	49 CFR 173.301(d), 173.302(a)(3)	To authorize shipment of certain flammable and non-flammable compressed gases in DOT Specification 3A, 3AA, 3AX, 3AAX and 3T cylinders. (Modes 1 and 3.)
8915-P	DOT-E 8915	Iweco, Inc., Houston, TX	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 8915 (Modes 1 and 3.)
8920-X	DOT-E 8920	Applied Companies, San Fernando, CA	49 CFR 173.302(a)(4), 175.3	To authorize manufacturer, marking and sale of non-DOT specification welded high pressure nonrefillable cylinders in military weapons systems only, for transportation of nonflammable, liquefied gases. (Modes 1, 2, and 4.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8921-X	DOT-E 8921	Hoover Group, Inc., Beatrice, NE	49 CFR 173.118a, 173.119, 173.125, 173.266, 176.340, Part 173, Subpart F.	To authorize manufacture, marking and sale of a non-reusable, non-DOT specification polyethylene portable tank enclosed in a steel jacket, wire cage or a fiberboard overpack, for shipment of corrosive liquids, flammable liquids, combustible liquids or an oxidizer, (Modes 1, 2, and 3.)
8923-X	DOT-E 8923	Union Carbide Chemicals & Plastics Company Inc., Danbury, CT.	49 CFR 173.119(m), 173.3a	To authorize transport of a flammable liquid which is also corrosive in DOT Specification 51 portable tanks. (Mode 1.)
8923-X	DOT-E 8923	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.119(m), 173.3a	To authorize transport of a flammable liquid which is also corrosive in DOT Specification 51 portable tanks. (Mode 1.)
8927-X	DOT-E 8927	HTL/Pacific Scientific Company, Duarte, CA.	49 CFR 173.302(a), 175.3, 178.44	To authorize manufacture, marking and sale of non-DOT specification girth, welded steel spheres, for transportation of nonflammable gases. (Modes 1, 2, 4, and 5.)
8931-X	DOT-E 8931	Marsulex, Inc., North York, Ontario, Canada.	49 CFR 173.272, 179.201-1	To authorize shipment of sulfuric acid, in DOT Specification 111A100W2 tank cars equipped with bottom outlets. (Mode 2.)
8932-X	DOT-E 8932	Catalyst Resources, Inc., Elyria, OH.	49 CFR 173.119(m), 173.221	To authorize an alternate type MC-307 cargo tank for shipment of organic peroxide solution, n.o.s. (Mode 1.)
8932-X	DOT-E 8932	Catalyst Resources, Inc., Elyria, OH.	49 CFR 173.119(m), 173.221	To authorize shipment of organic peroxide, in tank motor vehicles complying with DOT Specifications MC-307 and MC-312 cargo tanks. (Mode 1.)
8936-X	DOT-E 8936	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 173.357(b)(2)	To authorize shipment of a mixture containing 57% chloropropene and 43% 1, 3-dichloropropene, 1, 2-dichloropropane and related hydrocarbons, respectively, by weight, in non-authorized DOT Specification 5B metal drums. (Modes 1, 2, and 3.)
8939-X	DOT-E 8939	Hollice Clark Truck Fabrication, Inc., Odessa, TX.	49 CFR 173.119, 173.245, 178.253.	To authorize manufacture, marking and sale of six non-DOT specification portable tanks manifolded together within a frame and securely mounted on a truck chassis, for transportation of flammable liquids and corrosive liquids. (mode 1.)
8942-X	DOT-E 8942	Poly Processing Company, Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.266, 173.268, 176.415, 176.83, 178.19, 178.251, 178.253, Part 173, Subpart D, F.	To authorize marking by etching or stamping the certification into the polyethylene of the portable tanks and to modify periodic testing requirements. (Modes 1, 2, and 3.)
8942-X	DOT-E 8942	Poly Cal Plastics Company, French Camp, CA.	49 CFR 173.114a(h)(3), 173.266, 173.268, 176.415, 176.83, 178.19, 178.251, 178.253, Part 173, Subpart D, F.	To authorize manufacture, marking and sale of steel jacketed non-DOT specification rotationally molded, cross-linked polyethylene portable tanks, for shipment of flammable liquids, corrosive liquids and an oxidizer. (Modes 1, 2, and 3.)
8943-X	DOT-E 8943	BASF Corporation, Parsippany, NJ.	49 CFR 173.154	To authorize shipment of a polyol filter cake classed as a flammable solid, in a non-DOT specification open top, metal cargo carrying box. (Mode 1.)
8952-X	DOT-E 8952	Trojan Corporation, Spanish Fork, UT.	49 CFR 173.65	To authorize use of a DOT Specification 21C fiber drum, for transporting desensitized HMX (cyclotetramethylene tetranitramine). (Mode 1.)
8955-X	DOT-E 8955	Western Atlas International, Inc., Houston, TX.	49 CFR 173.110(c)(1), 173.80(b), 173.80(c).	To authorize transport of charged oil well guns with detonators attached. (Modes 1 and 3.)
8958-X	DOT-E 8958	De La Mare Engineering, Inc., San Fernando, CA.	49 CFR 172.101, 173.60	To authorize transport of limited quantities of black powder, classed as a flammable solid, in DOT Specification 12H fiberboard boxes. (Modes 1 and 2.)
8958-X	DOT-E 8958	Goex, Inc., Moosic, PA.	49 CFR 172.101, 173.60	To authorize transport of limited quantities of black powder, classed as a flammable solid, in DOT Specification 12H fiberboard boxes. (Modes 1 and 2.)
8958-P	DOT-E 8958	Goex International, Inc., Cleburne, TX.	49 CFR 172.101, 173.60	To become a party to exemption 8958 (Modes 1 and 2.)
8958-P	DOT-E 8958	Northland Sports, Inc., Minot, ND.	49 CFR 172.101, 173.60	To become a party to exemption 8958 (Modes 1 and 2.)
8958-P	DOT-E 8958	Dakco Distributors, Inc., Minot, ND.	49 CFR 172.101, 173.60	To become a party to exemption 8958 (Modes 1 and 2.)
8963-X	DOT-E 8963	Atlantic Research Corporation, Gainesville, VA.	49 CFR 173.88(e)(2)(ii)	To authorize transport of a rocket motor in a propulsive state, in a DOT Specification 15A wooden box. (Mode 1.)
8966-P	DOT-E 8966	Abcana Industries, El Cajon, CA.	49 CFR 173.263(a)(15), 173.277(a)(1), 178.205.	To become a party to exemption 8966 (Mode 1.)
8966-X	DOT-E 8966	Jones Chemicals, Inc., LeRoy, NY.	49 CFR 173.263(a)(15), 173.277(a)(1), 178.205.	To authorize shipment of sodium hypochlorite solution, and hydrochloric acid solutions in four one-gallon polyethylene bottles enclosed in a bag of polyethylene film, packed in a corrugated fiberboard box complying with DOT Specification 12B except for hand holes authorized in side panels of box. (Mode 1.)
8968-P	DOT-E 8968	Eurotainer SA, Inc., Paris, France.	49 CFR 173.206	To become a party to exemption 8968 (Modes 1, 2, and 3.)
8968-X	DOT-E 8968	Degussa Corporation, Ridgefield Park, NJ.	49 CFR 173.206	To authorize use of a non-DOT Specification IMO Type 1 portable tank, for transportation of a flammable solid. (Modes 1, 2, and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8977-X	DOT-E 8977	Eurotainer US, Inc., Somerset, NJ	49 CFR 173.315, 178.245	To authorize use of anon-DOT specification IMO-Type 5 portable tank, for transportation of liquefied compressed gases. (Modes 1, 2, and 3.)
8988-X	DOT-E 8988	Vann Systems, Houston, TX	49 CFR 172.101, 173.110, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8988-P	DOT-E 8988	Ace Transportation, Inc., Lafayette, LA.	49 CFR 172.101, 173.80, 175.30.	To become a party to exemption 8988 (Modes 1, 3, and 4.)
8988-X	DOT-E 8988	Jet Research Center, Inc., Alvarado, TX.	49 CFR 172.101, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8988-X	DOT-E 8988	Dresser Industries, Inc., Houston, TX.	49 CFR 172.101, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8988-X	DOT-E 8988	GOEX International, Inc., Cleburne, TX.	49 CFR 172.101, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8988-X	DOT-E 8988	Schlumberger Well Services, Houston, TX.	49 CFR 172.101, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8988-X	DOT-E 8988	Halliburton Logging Services, Inc., Houston, TX.	49 CFR 172.101, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8988-P	DOT-E 8988	Younger Transportation, Houston, TX.	49 CFR 172.101, 173.80, 175.30.	To become a party to exemption 8988 (Modes 1, 3, and 4.)
8988-X	DOT-E 8988	Western Atlas, International, Inc., Houston, TX.	49 CFR 172.101, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8988-X	DOT-E 8988	Wedge Wireline, Inc., Arlington, TX.	49 CFR 172.101, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8988-X	DOT-E 8988	Owen Oil Tools, Inc., Fort Worth, TX.	49 CFR 172.101, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, and 4.)
8990-X	DOT-E 8990	Amtrol, Inc., West Warwick, RI	49 CFR 173.302(a)(1), 175.3, 178.65-2, 178.65-5(a)(4).	To authorize shipment of nitrogen in hydraulic accumulators. (Modes 1, 2, 3, 4, and 5.)
8995-X	DOT-E 8995	Worum Chemical Company, St. Paul, MN.	49 CFR 173.315(a)(1), 173.346, 174.63(b).	To authorize use of non-DOT specification steel portable tanks, for transportation of certain nonpoisonous, non-flammable compressed gases, and a class B poisonous liquid. (Modes 1 and 2.)
8995-X	DOT-E 8995	Olin Corporation, Stamford, CT	49 CFR 173.315(a)(1), 173.346, 174.63(b).	To authorize use of non-DOT specification steel portable tanks, for transportation of certain nonpoisonous, non-flammable compressed gases, and a class B poisonous liquid. (Modes 1 and 2.)
8995-X	DOT-E 8995	Flexible Products Company, Marietta, GA.	49 CFR 173.315(a)(1), 173.346, 174.63(b).	To authorize use of non-DOT specification steel portable tanks, for transportation of certain nonpoisonous, non-flammable compressed gases, and a class B poisonous liquid. (Modes 1 and 2.)
9010-X	DOT-E 9010	United Technologies, Corporation, San Jose, CA.	49 CFR 173.88(e)(2)(ii), 173.92	To authorize transport of a large rocket motor with or without igniter installed and which may be in a propulsive state, or a rocket motor igniter. (Mode 1.)
9017-P	DOT-E 9017	Eurotainer SA, Inc., Paris, France	49 CFR 173.264(b)	To become a party to exemption 9017 (Modes 1, 2, and 3.)
9023-X	DOT-E 9023	Eurotainer, S.A., Paris, France	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of liquefied compressed gases. (Modes 1, 2, and 3.)
9023-X	DOT-E 9023	Chemical Industries of Northern Greece, Thessaloniki, Greece.	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of liquefied compressed gases. (Modes 1, 2, and 3.)
9034-X	DOT-E 9034	Airco, The BOC Group, Inc., Murray Hill, NJ.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To authorize use of a previously unauthorized DOT Specification 3AL aluminum cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 3, 4, and 5.)
9034-X	DOT-E 9034	Linde Gases of The Southeast, Inc., Wilmington, NC.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To authorize use of a previously unauthorized DOT Specification 3AL aluminum cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 3, 4, and 5.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9034-X	DOT-E 9034	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To authorize use of a previously unauthorized DOT Specification 3AL aluminum cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 3, 4, and 5.)
9034-X	DOT-E 9034	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To authorize use of a previously unauthorized DOT Specification 3AL aluminum cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 3, 4, and 5.)
9034-X	DOT-E 9034	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To authorize use of a previously unauthorized DOT Specification 3AL aluminum cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 3, 4, and 5.)
9034-X	DOT-E 9034	Linde Gases of the Northwest, Inc., Portland, OR.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To authorize use of a previously unauthorized DOT Specification 3AL aluminum cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 3, 4, and 5.)
9034-X	DOT-E 9034	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To authorize use of a previously unauthorized DOT Specification 3AL aluminum cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 3, 4, and 5.)
9034-X	DOT-E 9034	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To authorize use of a previously unauthorized DOT Specification 3AL aluminum cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 3, 4, and 5.)
9034-X	DOT-E 9034	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To authorize use of a previously unauthorized DOT Specification 3AL aluminum cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 3, 4, and 5.)
9054-X	DOT-E 9054	Florida Drum Company, Inc., Pine Bluff, AR.	49 CFR 173.157	To reinstate exemption to provide for shipment of benzoyl peroxide 50% concentration in DOT Specification 34 containers of 55 gallon capacity. (Modes 1, 2, and 3.)
9061-X	DOT-E 9061	Leonard Joseph Co., & Safesport Manufacturing Co. Denver, CO.	49 CFR 172.504, 173.178	To authorize shipment of a small quantity of a flammable solid labeled Flammable Solid and Dangerous When Wet but without a Flammable Solid W placard on the vehicle. (Modes 1 and 2.)
9066-P	DOT-E 9066	Flint Packaging, Inc., Burton, MI.	49 CFR 171.11 (see paragraph 8.d).	To become a party to exemption 9066. (Modes 1, 2, 3, and 4.)
9070-X	DOT-E 9070	Warner Brothers, Inc., Sunderland, MA.	49 CFR 173.119, 173.32(a)(1)	To authorize the filling and discharge of two non-DOT specification portable tanks while remaining securely mounted on a truck chassis. (Mode 1.)
9077-X	DOT-E 9077	Central Vermont Railway, Inc., St. Albans, VT.	49 CFR Parts 100-177	To authorize transport of railway track torpedoes and railway fuses in flagging kits constructed of 24 gauge galvanized steel. (Mode 1.)
9092-X	DOT-E 9092	Witt International Trucks, Midland, TX.	49 CFR 173.119, 173.245, 178.253.	To authorize manufacture marking and sale of non-DOT specification portable tanks manifolded together within a frame and securely mounted on a truck chassis, for transportation of flammable liquids and corrosive liquids. (Mode 1.)
9108-X	DOT-E 9108	Explosives Technologies, International, Inc. (ETI), Wilmington, DE.	49 CFR 173.77	To authorize transport of pentaerythrite tetranitrate (PETN) wet with 25% water in a 4 mil polyethylene bag placed in a DOT specification 12H fiberboard box. (Modes 1 and 3.)
9108-X	DOT-E 9108	Atlas Powder Company, Dallas, TX.	49 CFR 173.77	To authorize transport of pentaerythrite tetranitrate (PETN) wet with 25% water in a 4 mil polyethylene bag placed in a DOT specification 12H fiberboard box. (Modes 1 and 3.)
9108-X	DOT-E 9108	Ensign-Bickford Company, Simsbury, Ct.	49 CFR 173.77	To authorize transport of pentaerythrite tetranitrate (PETN) wet with 25% water in a 4 mil polyethylene bag placed in a DOT specification 12H fiberboard box. (Modes 1 and 3.)
9116	DOT-E 9116	Hoover Group, Inc., Beatrice, NE.	49 CFR 173.118a, 173.119, 173.256, 173.266, 176.340, 178.19, 178.253, Part 173, Subpart F.	To authorize an alternative use of an modified top closure on a polyethylene portable tank for shipment of certain corrosive materials, flammable liquids or oxidizers. (Modes 1, 2, and 3.)
9138-X	DOT-E 9138	National Aeronautics, & Space Administration, (NASA) Washington, DC.	49 CFR 173.302(a), 173.34(d), 175.3.	To authorize shipment of nitrogen in a fiber reinforced plastic full composite cylinder without a safety relief device. (Modes 1 and 4.)
9142-P	DOT-E 9142	Eurotainer SA, Inc., Paris, France.	49 CFR 173.315, 178.245	To become a party to exemption 9142. (Modes 1, 2, and 3.)
9150-X	DOT-E 9150	Hoover Group, Inc., Beatrice, NE.	49 CFR 173.118a, 173.119, 173.256, 173.266, 176.340, 178.19, 178.253, Part 173, Subpart F.	To authorize use of a new high density polyethylene resin in the tank manufacture. (Modes 1, 2, and 3.)
9164-X	DOT-E 9164	Fabricated Metals, Inc., San Leandro, CA.	49 CFR 173.119(b)(6)	To increase upper flash point limit for flammable liquids from 73 degree F to 100 degree F contained in non-DOT specification steel portable tanks of 345 gallon capacity. (Modes 1 and 2.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9164-X	DOT-E 9164	Fabricated Metals, Inc., San Leandro, CA.	49 CFR 173.119(b)(6)	To authorize resin solution, classed as flammable liquid, as an additional commodity. (Modes 1 and 2.)
9168-X	DOT-E 9168	All-Pak, Inc., Pittsburgh, PA	49 CFR 172.504, 173.118, 173.244, 173.3, 173.345, 173.346, 173.359, 173.370, 173.377, 175.3, 175.33, Part 172, Subpart E.	To authorize manufacture, marking and sale of specially designed composite type packaging, for shipment of small quantities of various flammable, corrosive, and poison B liquids and solids without affixing POISON, CORROSIVE, or FLAMMABLE labels. (Modes 1, 2, and 4.)
9174-X	DOT-E 9174	National Aeronautics & Space Administration (NASA), Washington, DC.	49 CFR 173.302(a)	To authorize use of non-DOT specification cylindrical and spherical pressure vessels which are an integral part of the Space Shuttle Auxiliary Propulsion System rods, for transportation of helium and nitrogen. (Mode 1.)
9182-X	DOT-E 9182	Stoneco, Inc., Trinidad, CO	49 CFR 172.101, 173.53(g), 175.30.	To authorize transport of explosive pest repellent devices, in plastic boxes packed in DOT Specification 12B fiberboard boxes. (Modes 1, 2, and 4.)
9197-X	DOT-E 9197	Greif Bros. Corporation, Springfield, NJ.	49 CFR 173.119(a), Part 173, Subpart F.	To authorize manufacture, marking and sale of DOT Specification 34 drums, for transportation of certain flammable liquids. (Modes 1, 2, and 3.)
9213-X	DOT-E 9213	Bulk-Pack, Inc., West Monroe, LA	49 CFR 173.178, 173.182, 173.217, 173.245b, 173.375.	To authorize manufacture, marking and sale of large, collapsible polyethylene-lined woven polypropylene bulk bags having a capacity of approximately 2000 pounds each, and top and bottom outlets, for shipment of certain hazardous materials. (Modes 1, 2, and 3.)
9220-X	DOT-E 9220	Custom Packaging Systems, Inc., Manistee, MI.	49 CFR 173.182, 173.217, 173.245b.	To authorize manufacture, marking and sale of non-DOT specification collapsible flexible bag, disposable bulk container, for transportation of corrosive solids and oxidizers. (Modes 1, 2, and 3.)
9221-X	DOT-E 9221	Applied Companies, San Fernando, CA.	49 CFR 173.302(a)(4), 175.3, 178.44.	To authorize manufacture, marking and sale of non-DOT specification girth welded stainless steel cylinders, for shipment of nonflammable gases. (Modes 1, 2, and 4.)
9222-X	DOT-E 9222	Bryson Industrial Services, Inc., Lexington, SC.	49 CFR 173.154	To authorize use of non-DOT specification metal tanks, for transportation of a flammable liquid or flammable solid. (Mode 1.)
9222-P	DOT-E 9222	Heritage Remediation/Engineering Inc., Indianapolis, IN.	49 CFR 173.154	To become a party to exemption 9222. (Mode 1.)
9228-X	DOT-E 9228	Southern California Chemical Company, Inc., Santa Fe Springs, CA.	49 CFR 173.245, 173.263, 178.340, 178.343.	To authorize transport of solution of aqua ammonia, copper sulfate, cupric chloride, ferric chloride and hydrochloric acid, in non-DOT specification cargo tanks. (Mode 1.)
9233-X	DOT-E 9233	Occidental Chemical Corporation, Dallas, TX.	49 CFR 173.164	To authorize shipment of dry chromic acid in a non-DOT specification 900-cubic-foot, two-compartment, sift-proof covered hopper type tank motor vehicle. (Mode 1.)
9235-X	DOT-E 9235	Bennett Industries, Peotone, IL	49 CFR 178.116-6	To authorize manufacture, marking and sale of non-DOT specification steel drums of 24-gauge thickness and six-gallon capacity, to be used in place of 24 gauge, five-gallon capacity, DOT Specification 17E steel drums, for transportation of various hazardous materials. (Modes 1, 2, and 3.)
9248-X	DOT-E 9248	Kross, Inc., Valencia, CA	49 CFR 173.1200, 173.154a	To authorize transport of a safety kit containing 2 fifteen minute highway fuses as a Consumer Commodity. (Modes 1 and 2.)
9253-X	DOT-E 9253	Wiva Verpakkingen B.V., Oosterhout, Netherlands.	49 CFR 173.119, 173.125, 173.256, 173.262(b), 173.266(a), 173.266(b), Part 173, Subpart F.	To authorize manufacture, marking and sale of DOT Specification 34 drums of 55-gallon capacity, for transportation of certain corrosive liquid and an oxidizer. (Modes 1, 2, and 3.)
9262-P	DOT-E 9262	Computalog Wireline Services, Inc., Houston, TX.	49 CFR 173.100(v), 175.30	To become a party to exemption 9262. (Modes 1, 3, and 4.)
9265-X	DOT-E 9265	Guinn Flying Service, Houston, TX.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B, and C explosives [that are not permitted for shipment by air, or in quantities greater than those prescribed for shipment by air] by cargo aircraft only. (Mode 4.)
9266-X	DOT-E 9266	National Refrigerants, Inc., Plymouth Meeting, PA.	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for shipment of liquefied compressed gases. (Modes 1, 2, and 3.)
9270-X	DOT-E 9270	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.264(b)(2), 179.101-1(a).	To authorize shipment of hydrogen fluoride, in DOT Specification 112A400W tank cars stenciled DOT Specification 112A200W. (Mode 2.)
9271-X	DOT-E 9271	Missouri Pacific Railroad Company, Omaha, NE.	49 CFR 174.90	To authorize deviation from car separation requirements, for transportation of Class A and B explosives. (Mode 2.)
9271-X	DOT-E 9271	Union Pacific Railroad Company, Omaha, NE.	49 CFR 174.90	To authorize deviation from car separation requirements, for transportation of Class A and B explosives. (Mode 2.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9271-X	DOT-E 9271	CSX Transportation, Inc., Jacksonville, FL	49 CFR 174.90	To authorize deviation from car separation requirements, for transportation of Class A and B explosives. (Mode 2.)
9271-X	DOT-E 9271	The Atchison, Topeka, and Santa Fe Railway Company, Topeka, KS.	49 CFR 174.90	To authorize deviation from car separation requirements, for transportation of Class A and B explosives. (Modes 2.)
9275-X	DOT-E 9275	Ortho Pharmaceutical Corporation, Somerset, NJ.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-P	DOT-E 9275	Givaudan, Clifton, NJ	49 CFR Parts 100-199	To become a party to exemption 9275 (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	McCormick & Company, Inc., Hunt Valley, MD.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Marion Merrell Dow, Inc., Cincinnati, OH.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Hercules, Inc., Wilmington, DE	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	BIC Corporation, Milford, CT	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Amway Corporation, Ada, MI	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	A.H. Robins Company, Richmond, VA.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Warner-Lambert Company, Morris Plains, NJ.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Upjohn Company, Kalamazoo, MI	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Shaklee Corporation, Hayward, CA.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Scentura Creations, Atlanta, GA	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Proctor & Gamble Distribution Company, Cincinnati, OH.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Mary Kay Cosmetics, Dallas, TX	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Liz Claiborne Cosmetics, North Bergen, NJ.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Fritzsche, Dodge & Olcott, Inc., New York, NY.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Noxell Corporation, Hunt Valley, MD.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	International Flavors & Fragrances (IFF-US), Hazlet, NJ.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9275-X	DOT-E 9275	Avon Products, Inc., New York, NY.	49 CFR Parts 100-199	To authorize exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol solutions. (Modes 1, 2, 3, 4, and 5.)
9277-X	DOT-E 9277	Rhone-Poulenc Ag Company, Research Triangle Park, NC.	49 CFR 173.377(j)	To authorize cargo vessel as an additional mode of transportation. (Modes 1, 2, and 3.)
9277-X	DOT-E 9277	American Cyanamid Company, Wayne, NJ.	49 CFR 173.377(j)	To authorize cargo vessel as an additional mode of transportation. (Modes 1, 2, and 3.)
9277-X	DOT-E 9277	FMC Corporation, Philadelphia, PA.	49 CFR 173.377(j)	To authorize cargo vessel as an additional mode of transportation. (Modes 1, 2, and 3.)
9279-X	DOT-E 9279	Keystone Steel & Wire Company, Peoria, IL	49 CFR 173.154	To authorize transport of a flammable solid which is water reactive in open-top freight containers and open top trailers covered with tarpaulins. (Mode 1.)
9280-X	DOT-E 9280	Union Carbide Chemicals & Plastics Company Inc., Charleston, WV.	49 CFR 173.119(m)	To authorize use of DOT Specification MC-330 and MC-331 cargo tank, for transportation of flammable liquids which are also corrosive materials. (Mode 1.)
9280-X	DOT-E 9280	GE Silicones, Waterford, NY	49 CFR 173.119(m)	To authorize use of DOT Specification MC-330 and MC-331 cargo tank, for transportation of flammable liquids which are also corrosive materials. (Mode 1.)
9281-P	DOT-E 9281	Owen Oil Tools, Inc., Fort Worth, TX.	49 CFR 172.101, 173.100	To become a party to exemption 9281 (Modes 1, 2, 3, 4 and 5.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9281-P	DOT-E 9281	GOEX International, Inc., Moosic, PA.	49 CFR 172.101, 173.100	To become a party to exemption 9281 (Modes 1, 2, 3, 4, and 5.)
9282-X	DOT-E 9282	Halocarbon Products Corporation, North Augusta, SC.	49 CFR 173.314(c)	To authorize deletion of the pressure relief valves placement requirement. (Modes 1, 2, and 3.)
9287-X	DOT-E 9287	Shell Pipe Line Corporation, Houston, TX.	49 CFR 173.119, 173.304, 173.315.	To authorize use of non-DOT specification containers, for transportation of flammable liquids and gases. (Mode 1.)
9289-X	DOT-E 9289	ICI Americas, Inc., Wilmington, DE.	49 CFR 173.118a(b)(1)	To renew and authorize additional combustible liquids identified by their trade names for shipment in metal or polyethylene portable tanks. (Mode 1.)
9290-X	DOT-E 9290	Mauser Packaging, Limited, Litchfield, CT.	49 CFR 178.134	To authorize manufacture, marking and sale of 15 gallon steel overpacks similar to DOT 3M except for a slight reduction in wall thickness with polyethylene liner meeting DOT 2SL except for marking for shipment of those commodities authorized in DOT 37M/2SL. (Modes 1, 2, and 3.)
9295-X	DOT-E 9295	Applied Companies, San Fernando, CA.	49 CFR 173.302(a)	To authorize manufacture, marking and sale of non-DOT specification toroidal pressure vessel equivalent to a DOT Specification 39 cylinder, for transportation of nonflammable, nonliquefied gases. (Modes 1, 2, 4.)
9296-X	DOT-E 9296	Honeywell, Inc., Minneapolis, MN	49 CFR 172.500, 173.202	To authorize transport of limited quantities of liquid sodium potassium alloy packaging bearing the DANGEROUS WHEN WET label in motor vehicles and rail cars which are not placarded FLAMMABLE SOLID W. (Modes 1 and 2.)
9302-X	DOT-E 9302	Cal-West Aviation, Concord, CA	49 CFR 175.702(b)(1), 175.702(b)(2)(i), 175.702(b)(2)(ii), 175.702(b)(2)(iii), 175.75(a)(3)(ii).	To authorize air transport of radioactive material without transport index and separation distance controls provided operations are in accordance with safety instructions provided by DOE or DOE contractor radiological safety personnel. (Mode 4.)
9305-X	DOT-E 9305	ARCO Pipe Line Company, Independence, KS.	49 CFR 173.119, 173.304, 173.315.	To authorize use of a non-DOT specification container, for transportation of flammable liquids and gases. (Mode 1.)
9307-X	DOT-E 9307	Better Methods, Inc., Paterson, NJ.	49 CFR 173.119(b)(4)	To authorize shipment of methyl alcohol in inside metal containers of two-gallon capacity, overpacked three to a DOT Specification 12B fiberboard box. (Mode 1.)
9316-X	DOT-E 9316	Fluoroware, Inc., Chaska, MN	49 CFR 173.268, 173.28(k), 173.299, 178.35, 178.35a, Part 173, Subpart F.	To amend exemption to include 5 gallon teflon/polyethylene composite containers for shipment of corrosive material. (Modes 1, 2, 3.)
9317-X	DOT-E 9317	Dow Chemical U.S.A., Freeport, TX.	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification skid mounted portable tanks to be transported on public highway within company property. (Mode 1.)
9323-X	DOT-E 9323	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.119(a)	To authorize shipment only by the U.S. Department of Defense of gasoline, JP-4 fuel, and JP-5 fuel, classed as flammable liquids, in non-DOT specification collapsible, fabric reinforced rubber drums of 500 gallon capacity. (Mode 1.)
9327-X	DOT-E 9327	Precision Measurement, Inc., Tulsa, OK.	49 CFR 173.119, 173.304, 173.315.	To authorize manufacture, marking and sale of mechanical displacement meter provers mounted on a truck chassis or trailer, for shipment of flammable liquids and gases. (Mode 1.)
9331-P	DOT-E 9331	International Dioxide, Inc., Clark, NJ.	49 CFR 173.263(a)(10)	To become a party to exemption 9331. (Mode 1.)
9331-X	DOT-E 9331	Rio Linda Chemical Company, Inc., Sacramento, CA.	49 CFR 173.263(a)(10)	To authorize shipment of sodium chlorite solutions in water, in DOT Specification MC-306 and MC-307 cargo tanks. (Mode 1.)
9331-X	DOT-E 9331	Hoechst Celanese Corporation, Somerville, NJ.	49 CFR 173.263(a)(10)	To authorize shipment of sodium chlorite solutions in water, in DOT Specification MC-306 and MC-307 cargo tanks. (Mode 1.)
9331-X	DOT-E 9331	Albright & Wilson Americas (Canada) Toronto, Ontario, Canada.	49 CFR 173.263(a)(10)	To authorize shipment of sodium chlorite solutions in water, in DOT Specification MC-306 and MC-307 cargo tanks. (Mode 1.)
9332-X	DOT-E 9332	Chromally R&T Division, Orangeburg, NY.	49 CFR 172.101, 173.150, 175.3	To authorize transport of a solid explosive dissolved in an ammonia solution as a flammable solid, in DOT Specification 34 polyethylene containers or DOT Specification 2E polyethylene bottles, packed in DOT Specification 15A wooden boxes. (Modes 1, 2, and 4.)
9346-P	DOT-E 9346	IMC Fertilizer, Inc., Mudelein, IL	49 CFR 174.67(a)(2)	To become a party to exemption 9346. (Mode 2.)
9346-X	DOT-E 9346	Witco Corporation, Bradford, PA	49 CFR 174.67(a)(2)	To authorize setting of the brakes and blocking the wheels of the first and last tank cars on up to a twelve tank car assembly, instead of each individual car, when engaged in unloading crude oil and petroleum. (Mode 2.)
9348-X	DOT-E 9348	DURACELL, Inc., Bethel, CT	49 CFR 173.206, 175.3, 175.85, Part 107, Appendix B.	To authorize lithium/manganese dioxide batteries to be raised from 2 grams of lithium to 3 grams of lithium per battery. (Modes 1, 2, 4, 5.)
9354-X	DOT-E 9354	Companhia Nitro Quimica Brasileira, Sao Paulo, Sp Brazil.	49 CFR 173.127	To authorize transport of alcohol-wet nitrocellulose in non-DOT specification fiber drums. (Modes 1, 2, 3.)
9364-P	DOT-E 9364	Wilbur-Ellis Company, Fresno, CA	49 CFR 173.359	To become a party to exemption 9364. (Mode 1.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9374-X	DOT-E 9374	Poly Processing Company, Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.119, 173.256, 173.266, 173.268, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize marking by etching or stamping the certification into the polyethylene of the portable tanks and to modify periodic testing requirements. (Modes 1, 2, 3.)
9374-X	DOT-E 9374	Poly Processing Company, Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.119, 173.256, 173.266, 173.268, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, cross-linked polyethylene portable tank enclosed within a protective steel frame, for shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2, 3.)
9374-X	DOT-E 9374	Poly Cal Plastics, Inc., French Camp, CA.	49 CFR 173.114a(h)(3), 173.119, 173.256, 173.266, 173.268, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, cross-linked polyethylene portable tank enclosed within a protective steel frame, for shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2, 3.)
9377-X	DOT-E 9377	Atlas Powder Company, Dallas, TX.	49 CFR 173.65(a)(5)	To authorize transport of high explosives containing more than 5% moisture in packaging without inner plastic bags or other linings. (Modes 1, 2, 3.)
9377-X	DOT-E 9377	Austin Powder Company, Cleveland, OH.	49 CFR 173.65(a)(5)	To authorize transport of high explosives containing more than 5% moisture in packaging without inner plastic bags or other linings. (Modes 1, 2, 3.)
9381-X	DOT-E 9381	Dominion Zinc Company, Spokane, WA.	49 CFR 173.154	To authorize transportation of a water reactive solid, which evolves hydrogen slowly when wet, in open packaging such as drums, hopper trucks and gondola cars. (Modes 1 and 2.)
9381-X	DOT-E 9381	Pasminco, Inc., Stamford Torrance, CA.	49 CFR 173.154	To authorize transportation of a water reactive solid, which evolves hydrogen slowly when wet, in open packaging such as drums, hopper trucks and gondola cars. (Modes 1 and 2.)
9387-X	DOT-E 9387	Hub States Corporation, Indianapolis, IN.	49 CFR 173.334	To authorize transport of an organic phosphate compound pressurized, with a nonflammable compressed gas, in concentrations and quantities greater than now authorized in the regulations, in DOT Specification 3B cylinders. (Mode 1.)
9388-X	DOT-E 9388	Gulf Central Storage & Terminal Company, Hermann, MO.	49 CFR 173.314(e)	To authorize use of DOT specification tank cars which have had the amount of liquefied gas loaded into the tank measured by a metering device. (Mode 2.)
9400-X	DOT-E 9400	Poly Processing Company, Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.119, 173.125, 173.268, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize marking by etching or stamping the certification into the polyethylene of the portable tanks and to modify periodic testing requirements. (Modes 1, 2, 3.)
9408-X	DOT-E 9408	Ethyl Corporation, Baton Rouge, LA.	49 CFR 173.301(d)(2), 173.302	To authorize transport of silicon tetrafluoride in DOT Specification 3AAX cylinders. (Mode 1.)
9413-X	DOT-E 9413	EM Science, Cincinnati, OH.	49 CFR 173.286	To authorize transport of a chemical kit which contains small amounts of hydrochloric acid and zinc powder. (Mode 1.)
9418-X	DOT-E 9418	West Texas Fabrication, Odessa, TX.	49 CFR 173.119, 173.245, 178.253.	To authorize shipment of four portable tanks, not to exceed 110 gallons capacity each mounted on a truck chassis for shipment of various flammable & corrosive liquids (oil well treatment compounds). (Mode 1.)
9426-X	DOT-E 9426	Rheem Container Corporation, Danbury, CT.	49 CFR 178.19, Part 173, Subpart D, F.	To authorize manufacture, marking and sale of five-gallon and six-gallon capacity removable head molded polyethylene drums for transportation of corrosive liquids and flammable liquids. (Modes 1, 2, 3.)
9426-X	DOT-E 9426	Rheem Container Corporation, Danbury, CT.	49 CFR 178.19, Part 173, Subpart D, F.	To authorize a different cover design for removable head polyethylene drums for shipment of certain corrosive materials and flammable liquids. (Modes 1, 2, 3.)
9430-X	DOT-E 9430	ENPAC Corporation, Jacksonville, FL.	49 CFR 173.3(c)	To authorize manufacture, marking and sale of non-DOT polyethylene/fiberglass removable head salvage drums or 90 gallon capacity for overpacking damaged or leaking packages of hazardous materials or for packing hazardous materials that have spilled or leaked, for repackaging or disposal. (Modes 1, and 2.)
9433-X	DOT-E 9433	Aldrich Chemical Company, Inc., Milwaukee, WI.	49 CFR 173.302, 173.303, 173.304.	To authorize transport of flammable gases at atmospheric pressure in glass bulbs not exceeding one liter capacity, packed in DOT Specification 12A/12B fiberboard boxes. (Mode 1.)
9443-X	DOT-E 9443	Hercules, Inc., Wilmington, DE	49 CFR 173.92(b), 175.3	To authorize transport of Class B rocket motors with igniters installed. (Modes 1, 3, 4.)
9463-X	DOT-E 9463	Guzzler Manufacturing, Inc., Birmingham, AL.	49 CFR 173.119(a), (m), 173.245(a), 173.340-6(c), 173.346(a), 178.340-7, 178.342-5, 178.342-7(a), 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for full opening rear head for shipment of flammable, corrosive or poison B waste liquids or semi-solids. (Mode 1.)
9485-P	DOT-E 9485	Draxel Chemical Company, Memphis, TN.	49 CFR 173.305	To become a party to exemption 9485 (Modes 1, 2, 3.)
9502-X	DOT-E 9502	Callery Chemical Company, Pittsburgh, PA.	49 CFR 173.302(g)	To authorize use of DOT Specification 3A and 3E cylinders for transportation of diborane and diborane mixtures. (Modes 1, 2, 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9507-P	DOT-E 9507	Solkatronic Chemicals, Inc., Morrisville, PA.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.346.	To become a party to exemption 9507. (Mode 1.)
9507-X	DOT-E 9507	Linde Gases of New England, Inc., West Hartford, CT.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9507-X	DOT-E 9507	Linde Gases of The West South-east, Inc., Wilmington, NC.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9507-X	DOT-E 9507	Linde Gases of the West, Inc., San Ramon, CA.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9507-X	DOT-E 9507	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9507-X	DOT-E 9507	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9507-X	DOT-E 9507	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9507-X	DOT-E 9507	Linde Gases of the Northwest, Inc., Portland, OR.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9507-X	DOT-E 9507	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9507-X	DOT-E 9507	Liquid Air Corporation, Walnut Cree, CA.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9507-X	DOT-E 9507	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9507-X	DOT-E 9507	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.346.	To authorize use of a non-DOT specification full removable head salvage cylinder of 45 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9508-X	DOT-E 9508	Callery Chemical Company, Pittsburgh, PA.	49 CFR 173.202(a)(3), 173.34(e), 175.3.	To authorize use of a DOT Specification 4BW240 cylinder that is retested decennially instead of quinquennially, for transportation of a flammable solid, that is dangerous when wet. (Modes 1, 2, 3, 4.)
9517-X	DOT-E 9517	Conroe Aviation Service, Inc., Conroe, TX.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of Class A, B and C explosives that are not permitted for air shipment or in quantities greater than those prescribed for shipment by air. (Mode 4.)
9549-X	DOT-E 9549	Shaped Charge Specialist, Inc., Mansfield, TX.	49 CFR 173.100(v), 175.30	To authorize transport of oil well cartridges containing more than 350 grains, but not more than 600 grains of Class A, type 3 explosive, as Class C explosive, in DOT Specification 12H fiberboard box. (Modes 1, 3, 4.)
9551-X	DOT-E 9551	Connie Kalitta Services, Inc., Ypsilanti, MI.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of Class A, B and C explosives that are not permitted for air shipment or in quantities greater than those prescribed for shipment by air. (Mode 4.)
9555-P	DOT-E 9555	Ethyl Corporation, Baton Rouge, LA.	49 CFR 173.346	To become a party to exemption 9555. (Mode 1.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9571-X	DOT-E 9571	Central Intelligence Agency, Washington, DC.	49 CFR Parts 100-177	To authorize transport of not more than 5 grams of an approved or unapproved explosive in a special packaging essentially without regulation. (Modes 1, 2, 3, 4, 5.)
9579-X	DOT-E 9579	Pepin-Ireco, Inc., Ishpeming, MI	49 CFR 173.154(a)(18)	To authorize use of a non-DOT specification motor vehicle for bulk shipment of oxidizers. (Mode 1.)
9581-X	DOT-E 9581	RAMP Industries, Inc., Denver, CO.	49 CFR 173.416(e)	To authorize transport of solid radioactive material in concrete filled DOT Specification 17C or DOT Specification 17H steel drum with the DOT Specification 2R or DOT Specification 55 on its geometric center must fit snugly in the cavity of the DOT-20WC wooden protection jacket. (Mode 1.)
9583-X	DOT-E 9583	Schlumberger Well Services, Houston, TX.	49 CFR 173.119, 173.302, 173.304, 173.34(d), 175.3.	To authorize use of a non-DOT specification welded, high pressure cylinder for oil sampling purposes. (Modes 1, 2, 3, 4.)
9584-X	DOT-E 9584	Schlumberger Well Services, Houston, TX.	49 CFR 173.119, 173.302, 173.304, 175.3.	To authorize use of a non-DOT specification seamless cylinder designed and constructed in accordance with DOT Specification 3A, for gas sampling purposes. (Modes 1, 2, 3, 4.)
9603-X	DOT-E 9603	Tennessee Eastman Company, Kingsport, TN.	49 CFR 171.2, 173.119, 173.125, 179.201-1.	To authorize use of a non-DOT specification tank car which conforms to DOT Specification 111A100W1 except for a thinner shell thickness in certain areas and for deviations in length of welds used in attaching bar pads. (Mode 2.)
9607-P	DOT-E 9607	Exxel Container, Inc., Somerset, NJ.	49 CFR Parts 100-199	To become a party to exemption 9607 (Modes 1, 4, 5.)
9609-X	DOT-E 9609	Applied Companies, San Fernando, CA.	49 CFR 173.302(a), 175.3, 178.65.	To authorize manufacture, marking and sale of welded non-DOT specification non-reusable, non-refillable steel toroidal pressure vessel for a military system. (Modes 1, 2, 4.)
9610-X	DOT-E 9610	Hercules, Inc., Wilmington, DE	49 CFR 172.203(a), (e), 172.204, 173.29(a), (d), Part 107, Appendix B, Parts 171-189.	To authorize transport of DOT Specification 21C fiber drums which contain not more than 5 grams of smokeless powder essentially without regulation. (Modes 1 and 2.)
9610-X	DOT-E 9610	Honeywell, Inc., New Brighton, MN.	49 CFR 172.203(a), (e), 172.204, 173.29(a), (d), Part 107, Appendix B, Parts 171-189.	To authorize transport of DOT Specification 21C fiber drums which contain not more than 5 grams of smokeless powder essentially without regulation. (Modes 1 and 2.)
9610-X	DOT-E 9610	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 172.203 (a), (e), 172.204, 173.29(a), (d), Part 107, Appendix B, Parts 171-189.	To authorize transport of DOT Specification 21C fiber drums which contain not more than 5 grams of smokeless powder essentially without regulation. (Modes 1 and 2.)
9611-X	DOT-E 9611	Buco Budenbender GmbH & Company, Niederdorf, West Germany.	49 CFR 171.12(c), 178.116(a)	To authorize manufacture, marking and sale of non-DOT specification steel drums of one millimeter thickness (19 gauge), to be used in place of 20/18 gauge, 55-gallon capacity DOT-17E drums. (Modes 1, 2, 3.)
9623-X	DOT-E 9623	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 177.835(c)(3)	To authorize an additional type trailer equipped with a dromedary compartment (storage box) for shipment of explosives. (Mode 1.)
9623-X	DOT-E 9623	Quick Supply Company, Des Moines, IA.	49 CFR 177.835(c)(3)	To authorize transport of blasting agent or an oxidizer in a DOT Specification MC-306 or MC-307 cargo tank with a storage box containing Class A explosives mounted directly behind the tractor cab. (Mode 1.)
9623-X	DOT-E 9623	Austin Powder Company, Cleveland, OH.	49 CFR 177.835(c)(3)	To authorize transport of blasting agent or an oxidizer in a DOT Specification MC-306 or MC-307 cargo tank with a storage box containing Class A explosives mounted directly behind the tractor cab. (Mode 1.)
9623-X	DOT-E 9623	Atlas Powder Company, Dallas, TX.	49 CFR 177.835(c)(3)	To authorize transport of blasting agent or an oxidizer in a DOT Specification MC-306 or MC-307 cargo tank with a storage box containing Class A explosives mounted directly behind the tractor cab. (Mode 1.)
9623-X	DOT-E 9623	Explosives Technologies International, Inc. (ETI), Wilmington, DE.	49 CFR 177.835(c)(3)	To authorize transport of blasting agent or an oxidizer in a DOT Specification MC-306 or MC-307 cargo tank with a storage box containing Class A explosives mounted directly behind the tractor cab. (Mode 1.)
9623-P	DOT-E 9623	Alaska-Pacific Powder Company, Anchorage, AK.	49 CFR 177.835(c)(3)	To become a party to exemption 9623 (Mode 1.)
9623-X	DOT-E 9623	Woodard Explosives, Inc., Albuquerque, NM.	49 CFR 177.835(c)(3)	To authorize transport of blasting agent or an oxidizer in a DOT Specification MC-306 or MC-307 cargo tank with a storage box containing Class A explosives mounted directly behind the tractor cab. (Mode 1.)
9623-X	DOT-E 9623	Buckley Powder Company, Englewood, CO.	49 CFR 177.835(c)(3)	To authorize transport of blasting agent or an oxidizer in a DOT Specification MC-306 or MC-307 cargo tank with a storage box containing Class A explosives mounted directly behind the tractor cab. (Mode 1.)
9623-X	DOT-E 9623	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 177.835(c)(3)	To authorize transport of blasting agent or an oxidizer in a DOT Specification MC-306 or MC-307 cargo tank with a storage box containing Class A explosives mounted directly behind the tractor cab. (Mode 1.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9626-X	DOT-E 9626	Degussa Corporation, Ridgefield Park, NJ.	49 CFR 173.245(b)	To authorize an additional lining of polyethylene/aluminum foil lamination. (Modes 1, 2, 3.)
9632-X	DOT-E 9632	Arbel-Fauvet-Rail, Douai, Cedex, France.	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of flammable and nonflammable liquefied compressed gases. (Modes 1, 2, 3.)
9632-X	DOT-E 9632	Chemical Industries of Northern Greece, S.A. Thessaloniki, Greece.	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of flammable and nonflammable liquefied compressed gases. (Modes 1, 2, 3.)
9632-X	DOT-E 9632	Arbel-Fauvet-Rail, Douai, Cedex, France.	49 CFR 173.315, 178.245	To authorize shipment of ethylchloride, classed as a flammable liquid as an additional commodity. (Modes 1, 2, 3.)
9634-X	DOT-E 9634	Luxfer USA, Limited, Riverside, CA.	49 CFR 173.302(a)(1), 173.304(a), (d), 175.3.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic, full composite cylinders, for shipment of certain flammable and nonflammable compressed gases. (Modes 1, 2, 3, 4.)
9637-X	DOT-E 9637	Connelly Containers, Inc., Bala-Cynwyd, PA.	49 CFR 173.245b, 173.365	To authorize manufacture, marking and sale of non-reusable, fiberboard bulk boxes made of triple-wall corrugated fiberboard having an inside lining of 0.006-inch maximum thickness polyethylene film, for transportation of various corrosive solids and poison B solids. (Mode 1.)
9642-X	DOT-E 9642	Allied-Signal, Inc., Morristown, NJ.	49 CFR 173.245(a)	To authorize use of DOT Specification 106A500X and 110A500W multi-unit tank car tanks for a liquid mixture that is corrosive to skin only and poisonous. (Modes 1, 2.)
9643-X	DOT-E 9643	Eastman Kodak Company, Rochester, NY.	49 CFR 172.300, 172.400, 177.848, Part 178.	To authorize transport of certain hazardous materials over 0.9 miles of public highway exempted from DOT requirements for package marking, labeling, specification packaging and segregation. (Mode 1.)
9644-X	DOT-E 9644	Atlas Powder Company, Dallas, TX.	49 CFR 178.218-11(a)	To authorize manufacture, marking and sale of DOT Specification 23G cylindrical fiberboard box tested once a year instead of one every six months, for shipment of certain Class A explosives. (Mode 1.)
9646-X	DOT-E 9646	U.S. Department of Defense, Falls Church, VA.	49 CFR 174.81	To authorize transport by rail of freight shipping containers loaded with combinations of packages of Class A, B, and C explosive and a corrosive liquid, not authorized in 49 CFR 174.81. (Mode 2.)
9649-X	DOT-E 9649	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.421(b), 173.421(d), 173.424(b), 173.424(c).	To authorize radiation levels slightly higher than normally allowed for limited quantity radioactive materials and relief from certain marking requirements for the depleted uranium component of the packages. (Modes 1, 2, 3.)
9654-X	DOT-E 9654	Interox America, Houston, TX.	49 CFR 173.266(a)(2), 178.109-6	To authorize shipment of hydrogen peroxide solution exceeding 52% concentration, in aluminum drums conforming to DOT Specification 44D except for rolling hoops. (Modes 1, 2, 3.)
9654-X	DOT-E 9654	Degussa Corporation, Ridgefield Park, NJ.	49 CFR 173.266(a)(2), 178.109-6	To authorize shipment of hydrogen peroxide solution exceeding 52% concentration, in aluminum drums conforming to DOT Specification 44D except for rolling hoops. (Modes 1, 2, 3.)
9655-X	DOT-E 9655	Chevron U.S.A., Inc., El Segundo, CA.	49 CFR 173.245b	To authorize use of a 3,030 gallon capacity, non-DOT specification steel portable bin, for transportation of a corrosive solid. (Mode 1.)
9657-X	DOT-E 9657	Normanda Sales Corporation Ltd., Toronto, Ont.	49 CFR 173.272; 179.201-1	To authorize use of DOT Specification 111A100W2 tank cars with bottom outlets, for transportation of sulfuric acid or oleum, classed as a corrosive material. (Mode 2.)
9658-X	DOT-E 9658	Fluoroware, Inc., Chaska, MN.	49 CFR 173.119, 173.268, 173.299(b), 178.19, 178.253, Part 173, Subpart F.	To authorize the reduction of the teflon PFA liner wall thickness from .100 + .100, — .100, — .30 to .100 + .100, .059 lining the polyethylene portable tanks. (Modes 1 and 2.)
9653-X	DOT-E 9659	Compositex Corporation, Brea, CA.	49 CFR 173.302(a)(1), 173.304(a), (d), 175.3, 177.812.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic (FRP) full composite (FC) cylinder, for transportation of certain flammable and nonflammable compressed gases. (Modes 1, 2, 3, 4, 5.)
9670-X	DOT-E 9670	Hercules, Inc., Wilmington, DE	49 CFR 173.65(j)	To authorize DOT Specification 21C fiber drums to be marked on the side instead of both ends as required in Section 173.65(j) when the ends of the drums have been dipped in wax. (Mode 1.)
9672-X	DOT-E 9672	Akzo Chemicals, Inc., Chicago, IL.	49 CFR 178.337-11(c)	To authorize shipment of flammable liquids, in DOT Specification MC-330 or MC-331 cargo tanks with a filling/discharge opening that does not have a remote self-closing internal valve. (Mode 1.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9676-X	DOT-E 9676	Mallinckrodt, Inc., Paris, KY	49 CFR 173.119(b)(4), 173.125, 173.205.	To authorize shipment of certain flammable liquids contained in four inside glass bottles or PVC coated glass bottles of one gallon capacity each, overpacked in a corrugated fiberboard box conforming to DOT Specification 12B65 except for handholes in the side panels of the box. (Mode 1.)
9676-X	DOT-E 9676	EM Science, Cincinnati, OH	49 CFR 173.119(b)(4), 173.125, 178.205.	To authorize shipment of certain flammable liquids contained in four inside glass bottles or PVC coated glass bottles of one gallon capacity each, overpacked in a corrugated fiberboard box conforming to DOT Specification 12B65 except for handholes in the side panels of the box. (Mode 1.)
9676-X	DOT-E 9676	J.T. Baker, Inc., Phillipsburg, NJ	49 CFR 173.119(b)(4), 173.125, 178.205.	To authorize shipment of certain flammable liquids contained in four inside glass bottles or PVC coated glass bottles of one gallon capacity each, overpacked in a corrugated fiberboard box conforming to DOT Specification 12B65 except for handholes in the side panels of the box. (Mode 1.)
9677-X	DOT-E 9677	Allied Universal Corporation, Miami, FL	49 CFR 173.263(a)(15)	To authorize shipment of hydrochloric acid in non-DOT specification polyethylene bottles of one-gallon capacity, overpacked in 55-gallon drums. (Mode 1.)
9686-X	DOT-E 9686	Fluoroware, Inc., Chaska, MN	49 CFR 173.119, 173.268, 173.299, 178.19, 178.35, 178.35a, Part 173, Subpart F.	To authorize shipment of nitric acid (71% concentration or less), classed as an oxidizer in the non-DOT specification composite polyethylene and plastic, portable tank. (Modes 1 and 2.)
9690-X	DOT-E 9690	Snyder Industries, Inc., Lincoln, NE	49 CFR 173.119, 176.340, 178.19, 178.253, Part 173, Subpart F.	To authorize cargo vessel as an additional mode of transportation and to approve combustible liquids as additional materials. (Modes 1, 2, 3.)
9694-X	DOT-E 9694	All Pure Chemical Company, Inc., Tracy, Ca.	49 CFR 173.315(i)(13), 173.33(f)(9), 173.(h)(5)(i).	To authorize use of MC-331 cargo tanks equipped with angle valves and pressure relieve valves not presently authorized in the regulations. (Mode 1.)
9700-X	DOT-E 9700	Dow Chemical Company, Midland, MI	49 CFR 173.315(i), 178.245	To authorize use of a DOT Specification 51 portable tank having pressure relief devices with a start-to-discharge pressure of 75 psig, for shipment of flammable, poisonous liquid. (Mode 3.)
9701-X	DOT-E 9701	Trimex Holdings, Limited, Calgary, Alberta, Canada, CN.	49 CFR 172.331, 173.154, 173.164, 173.178, 173.182, 173.204, 173.217, 173.234, 173.245b, 173.366.	To authorize shipment of arsenical mixture solid, n.o.s., classed as poison B in non-DOT specification flexible bulk bags. (Modes 1, 2, 3.)
9702-X	DOT-E 9702	Chase Packaging Corporation, Old Greenwich, CT.	49 CFR 173.154(a)	To authorize manufacture, marking and sale of a non-DOT specification multiwall kraft paper pinch/seal bag of 25-pound and 50-pound net construction, for shipment of calcium nitrite, and oxidizer, n.o.s. (Modes 1 and 2.)
9705-X	DOT-E 9705	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.139	To authorize use of a DOT Specification 51 portable tank not previously authorized for polypropyleneimine, inhibited. (Mode 1.)
9706-X	DOT-E 9706	Taylor-Wharton Cylinders, Harrisburg, PA.	49 CFR 173.301(h), 173.302, 173.304, 173.34(a)(1), 175.3, 178.37.	To authorize manufacture, marking and sale of non-DOT specification cylinder complying in part with the DOT-3AA specification, for transportation of certain flammable gases, nonflammable gases and poison A materials. (Modes 1, 2, 3, 4.)
9710-X	DOT-E 9710	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.318, 177.840	To authorize abbreviated marking of the one-way travel time on the tank and on shipping papers. (Modes 1, 2, 3.)
9718-X	DOT-E 9718	Eurotainer US, Inc., Somerset, NJ	49 CFR 173.315, 178.245	To authorize shipment of certain compressed gases classed as flammable and nonflammable in non-DOT specification portable tanks comparable to DOT Specification 51 portable tanks. (Modes 1, 2, 3.)
9723-P	DOT-E 9723	North East Solvents Reclamation Corp., North Andover, MA.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723-P	DOT-E 9723	Harold Marcus Limited, Ontario, Canada.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723-P	DOT-E 9723	Services Sanitaires Blainville, Inc., Blainville, Quebec, Canada.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723-P	DOT-E 9723	D & J Transportation Specialists, Inc., Syracuse, NY.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723-P	DOT-E 9723	Price Trucking Corporation, Buffalo, NY.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723-P	DOT-E 9723	HazMat Environmental Group, Inc., Buffalo, NY.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723-P	DOT-E 9723	Radiac Research Corporation, Brooklyn, NY.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723-P	DOT-E 9723	U.S. Pollution Control, Inc., Oklahoma City, OK.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9741-P	DOT-E 9741	Metal Products of America, Inc., Miami, FL.	49 CFR 173.260(a)(3)	To become a party to exemption 9741. (Modes 1, 2, 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9750-X	DOT-E 9750	LaRoche Industries Inc., Atlanta, GA.	49 CFR 173.154(a)(18)	To authorize transport of ammonium nitrate solution containing not less than 13% water in DOT specification MC-307 insulated cargo tank or a DOT Specification MC-311 insulated cargo tank. (Mode 1.)
9750-P	DOT-E 9750	Puritan Bennett Corporation, Lenexa, KS.	49 CFR 173.154(a)(18)	To become a party to exemption 9750. (Mode 1.)
9754-X	DOT-E 9754	Armin Thermodynamics Corporation, Broken Arrow, OK.	49 CFR 173.247, 173.266, 178.19, Part 173, Subpart D, F, H.	To authorize manufacture, marketing and sale of non-DOT specification reusable, rotationally molded, polyethylene container conforming with DOT Specification 34 with exceptions, for shipment of certain corrosive liquids, flammable liquids, class B poisonous liquids, and an oxidizer. (Modes 1, 2, 3.)
9758-P	DOT-E 9758	Taymar Limited, Stockport, Cheshire, England.	49 CFR 173.304(d)(3)(ii), 178.33	To become a party to exemption 9758. (Modes 1, 2, 3.)
9761-X	DOT-E 9761	Syston Donner Corporation, Concord, CA.	49 CFR 173.304(a)(1), 175.3, 178.47.	To authorize an increase of nominal water capacity from 75 cubic inches to 224 cubic inches (nominal). (Mode 1, 4.)
9769-P	DOT-E 9769	The Sorel Chemical Group, Inc., Silver Spring, MD.	49 CFR 176.83, 177.848	To become a party to exemption 9769. (Modes 1, 2, 3.)
9769-P	DOT-E 9769	U.S. Pollution Control, Inc., Oklahoma City, OK.	49 CFR 176.83, 177.848	To authorize To become a party to exemption 9769. (Mode 1, 2, 3.)
9797-X	DOT-E 9797	LTV Missiles and Electronics Group, Dallas, TX.	49 CFR 173.302, 173.304(a)(2)	To authorize shipment, in a single container, of two flight radiator panels containing anhydrous ammonia, classed as nonflammable gas. (Mode 1.)
9802-X	DOT-E 9802	McNeely Charter Service, Inc., Earle, AR.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives that are not permitted for shipment by air, or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
9809-X	DOT-E 9809	Texas-New Mexico Pipe Line Company, San Angelo, TX.	49 CFR 173.119	To authorize use of a non-DOT specification container described as a mechanical displacement meter prover mounted on a truck, for transportation of flammable liquids. (Mode 1.)
9816-X	DOT-E 9816	Amrex Chemical Company, Inc., Binghamton, NY.	49 CFR 173.277(a)(9)	To authorize shipment of hypochlorite solutions, more than 7 percent available chlorine by weight, in non-DOT specification cargo tanks. (Modes 1.)
9819-X	DOT-E 9819	Halliburton Services, Duncan, OK.	49 CFR 173.119, 178.253, Part 173, Subpart F.	To authorize additional non-DOT specification stainless steel portable tanks with a capacity for 160 and 345 gallons for shipment of certain flammable or corrosive liquids. (Mode 1.)
9819-X	DOT-E 9819	Halliburton Services, Duncan, OK.	49 CFR 173.119, 178.253, Part 173, Subpart F.	To authorization the deletion of the prototype testing requirement and the deletion of the cargo tank marking and placarding requirement. (Mode 1.)
9840-X	DOT-E 9840	Kenai Air Alaska, Inc., Kenai, AK.	49 CFR 172.101, 175.30	To authorize transport of hydrogen peroxide solution in DOT Specification 34 polyethylene (55-gallon drum) by cargo aircraft only (a helicopter) between Nikiski, Alaska and Cook International, Tyonek, Alaska. (Mode 4.)
9841-P	DOT-E 9841	Green Mountain Explosive, Inc., Auburn, NH.	49 CFR 173.315, 178.245-1(b)	To become a party to exemption 9841. (Modes 1, 2, 3.)
9844-X	DOT-E 9844	Theodor Fries Gesellschaft MBH & Co., Sulz, Austria.	49 CFR 173.266(a), 178.19	To authorize shipment of hydrogen peroxide, classed as oxidizer in DOT-34 Specification 55 gallon molded polyethylene drum. (Modes 1, 2, 3.)
9851-X	DOT-E 9851	Trans World Airlines, Inc., Kansas City, MO.	49 CFR Parts 100-199	To authorize a one time shipment of insulated dewars containing liquid nitrogen to be transported in the cabin of a passenger aircraft under special conditions. (Mode 5.)
9856-X	DOT-E 9856	Shadyside Hospital, Pittsburgh, PA.	49 CFR 173.316, 173.320, 176.83(b)	To reissue exemption originally issued on an emergency basis to authorize either specification or non-specification packaging (oxygen systems) for use by patients on board a passenger ship. (Modes 1 and 3.)
9872-X	DOT-E 9872	Bowater Drums, Ltd., Cheshire, England.	49 CFR 173.154, 173.156, 173.217, 173.365, 175.3, 178.224-1.	To authorize manufacture, marking and sale of non-DOT specification fiber drums conforming to DOT Specification 21C fiber drums except that the top cover of lid is constructed of high density polyethylene, and secured to the side wall by a metal lever action closing ring. (Modes 1, 2, 3, 4.)
9873-X	DOT-E 9873	Hercules, Inc., Wilmington, DE	49 CFR 173.184, 175.3	To authorize shipment of nitrocellulose with not less than 25% water by weight classed as a flammable solid in a non-DOT combination package consisting of a plastic sack sealed by a tightening band around the neck in a non-DOT specification fiberboard box sealed by glue and taping. (Modes 1, 2, 3, 4.)
9873-X	DOT-E 9873	Aqualon Company, Wilmington, DE	49 CFR 173.184, 175.3	To authorize shipment of nitrocellulose with not less than 25% water by weight classed as a flammable solid in a non-DOT combination package consisting of a plastic sack sealed by a tightening band around the neck in a non-DOT specification fiberboard box sealed by glue and taping. (Modes 1, 2, 3, 4.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9874-X	DOT-E 9874	Dow Chemical Company, Midland, MI.	49 CFR 177.834(i)(3)	To authorize personnel to observe loading and unloading of cargo tanks by viewing video camera monitors in a control center instead of viewing within 25 feet of the cargo tanks. (Mode 1.)
9874-P	DOT-E 9874	The Goodyear Tire & Rubber Company, Beaumont, TX.	49 CFR 177.834(i)(3)	To become a party to exemption 9874. (Mode 1.)
9876-X	DOT-E 9876	Metalcraft, Inc., Baltimore, MD	49 CFR 1873.304(a)(2), 173.34(d)	To authorize manufacture, marking and sale of DOT Specification 39 cylinders equipped with a fusible type pressure relief system, for transportation of nonflammable gases. (Modes 1 and 3.)
9884-X	DOT-E 9884	Puritan-Bennett Corporation, Indianapolis, IN.	49 CFR 173.316, 178.57-(8)(c), 178.57-2.	To authorize an additional model of a non-DOT specification cylinder for transportation of oxygen, pressurized liquid. (Mode 1.)
9887-X	DOT-E 9887	Offshore Marine Engineering Limited, West Midlands, England.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(H), 177.840, 178.338add.	To authorize manufacture, mark and sell insulated, non-specification portable tanks, for shipment of refrigerated helium and refrigerated hydrogen. (Modes 1, 2, 3.)
9888-X	DOT-E 9888	Powerplex Technologies, Inc., Ontario, Canada.	49 CFR Parts 100-199	To authorize transport of an electric car containing a sodium-sulfur battery which is at its operating temperature (575-660 degrees Fahrenheit); authorizes shipment of electric cars containing depleted sodium-sulfur batteries. (Mode 1.)
9899-X	DOT-E 9899	Williams International, Walled Lake, MI.	49 CFR 173.102, 173.82, 175.3	To authorize transport of an empty turbine engine with four Class C explosive devices attached to it in a non-DOT specification packaging. (Modes 1 and 4.)
9902-X	DOT-E 9902	Purisar Corp., Sunnyvale, CA	49 CFR 173.273	To authorize use of a DOT Specification 3AA cylinder having a capacity greater than one (1) gallon for the transportation of sulfur trioxide, unstabilized. (Mode 1.)
9912-X	DOT-E 9912	Poly Processing Company & Poly Cal Plastics, Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.119, 173.125, 173.268, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize marking by etching or stamping the certification into the polyethylene of the portable tanks and to modify periodic testing requirements. (Modes 1, 2, 3.)
9914-X	DOT-E 9914	Explosives Technologies International, Inc. IETI, Wilmington, DE.	49 CFR 173.114a	To authorize transport of certain blasting agents in DOT Specification MC-306, MC-307 and MC312 cargo tanks; DOT Specification IM-101 and 102 portable tanks; and IMO Type 1 and Type 2 portable tanks. (Modes 1 and 3.)
9915-X	DOT-E 9915	Hercules, Inc., Wilmington, DE	49 CFR 173.28(m)	To authorize reuse of DOT-17H drums, for multiple shipments of nitrocellulose, wet with not less than 30% alcohol or solvent, and nitrocellulose, wet with not less than 20% water, without subjecting drums to reconditioning requirements when performing a specific inspection and cleaning program. (Modes 1, 2, 3.)
9916-P	DOT-E 9916	Baker Performance Chemicals, Inc., Houston, TX.	49 CFR 173.124(a)(6)(i), (iii), (vii)	To become a party to exemption 9916. (Modes 1, 2, 3.)
9916-X	DOT-E 9916	Petrolite Corporation, St. Louis, MO.	49 CFR 173.124(a)(b)(i), (iii), (vii)	To authorize shipment of ethylene oxide, classed as flammable liquid, in a DOT Specification 51 portable tank, which is larger than authorized, has safety relief device set higher than authorized, and is insulated by means other than authorized for this material. (Modes 1, 2, 3.)
9916-X	DOT-E 9916	B.S.L. Transport, Quievrechain, France.	49 CFR 173.124(a)(b)(i), (iii), (vii)	To authorize shipment of ethylene oxide in 4,760 gallon DOT Specification 51 portable tanks with safety relief valves set at 145 psig and a vacuum/perlite insulation system. (Modes 1, 2, 3.)
9920-X	DOT-E 9920	Tri-Wall Company, Louisville, KY	49 CFR 173.245b, 173.365	To authorize rail an additional mode of transportation. (Modes 1 and 2.)
9929-P	DOT-E 9929	McDonnell Douglas, Huntington Beach, CA.	49 CFR 172.101, 173.92	To become a party to exemption 9929. (Modes 1, 3, 4.)
9933-X	DOT-E 9933	Mobay Corporation, Pittsburgh, PA.	49 CFR 173.245	To authorize shipment of corrosive, poisonous liquid in non-DOT specification plastic-coated glass carboy enclosed in an expanded polystyrene overpack. (Mode 1.)
9934-X	DOT-E 9934	Aldrich Chemical Company, Inc., Milwaukee, WI.	49 CFR 173.274, 175.3	To authorize shipment of corrosive liquids in non-DOT specification teflon bottles packed in non-DOT specification fiberboard boxes. (Modes 1 and 4.)
9937-X	DOT-E 9937	Van Leer Verpackugen GmbH, D-5000 Köln, West Germany.	49 CFR 178.224, Part 173, Subparts E, F, H.	To authorize manufacture, marking and sale of non-DOT specification fiber drums, not exceeding 100 liter capacity, for shipment of those hazardous materials authorized in DOT Specification 21C fiber drums. (Modes 1, 2, 3.)
9940-X	DOT-E 9940	G.E. Reuter-Stokes, Inc., Twinsburg, OH.	49 CFR 172.400, 173.306, 175.3	To authorize passenger carrying aircraft as additional mode of transportation. (Modes 1, 2, 3, 4, and 5.)
9941-X	DOT-E 9941	Thiokol Corporation, Huntsville, AL.	49 CFR 173.88(e)(2)(ii), 173.92(a)(i), 173.92(b).	To authorize additional packaging for shipment of Rocket motors, Class B explosive. (Mode 1.)
9941-X	DOT-E 9941	McDonnell Douglas Space Systems Company, Huntington Beach, CA.	49 CFR 173.88(e)(2)(ii), 173.92(a)(i), 173.92(b).	To authorize additional packaging for shipment of Rocket motors, Class B explosive. (Mode 1.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9946-X	DOT-E 9946	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 173.327(a)	To authorize use of pneumatically operated, packless valves in packagings containing Poison A materials in lieu of the required packless valve having a hand-wheel. (Modes 1, 2, and 3.)
9946-X	DOT-E 9946	Linde Gases of the Midwest, Inc., Hillside, IL.	49 CFR 173.327(a)	To authorize use of pneumatically operated, packless valves in packagings containing Poison A materials in lieu of the required packless valve having a hand-wheel. (Modes 1, 2, and 3.)
9946-X	DOT-E 9946	Unigas, Inc., Mercedita, PR.	49 CFR 173.327(a)	To authorize use of pneumatically operated, packless valves in packagings containing Poison A materials in lieu of the required packless valve having a hand-wheel. (Modes 1, 2, and 3.)
9946-X	DOT-E 9946	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.327(a)	To authorize use of pneumatically operated, packless valves in packagings containing Poison A materials in lieu of the required packless valve having a hand-wheel. (Modes 1, 2, and 3.)
9946-X	DOT-E 9946	Linde Gases of Florida, Inc., Tampa, FL.	49 CFR 173.327(a)	To authorize use of pneumatically operated, packless valves in packagings containing Poison A materials in lieu of the required packless valve having a hand-wheel. (Modes 1, 2, and 3.)
9946-X	DOT-E 9946	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.327(a)	To authorize use of pneumatically operated, packless valves in packagings containing Poison A materials in lieu of the required packless valve having a hand-wheel. (Modes 1, 2, and 3.)
9946-X	DOT-E 9946	Linde Gases of the West, Inc., San Ramon, CA.	49 CFR 173.327(a)	To authorize use of pneumatically operated, packless valves in packagings containing Poison A materials in lieu of the required packless valve having a hand-wheel. (Modes 1, 2, and 3.)
9946-X	DOT-E 9946	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	49 CFR 173.327(a)	To authorize use of pneumatically operated, packless valves in packagings containing Poison A materials in lieu of the required packless valve having a hand-wheel. (Modes 1, 2, and 3.)
9952-X	DOT-E 9952	Greif Bros. Corporation, Springfield, NJ.	49 CFR 178.131, Part 173, Subparts D, E, F, H.	To authorize an additional plastic cover or lid for metal drum containing those materials presently authorized in DOT Specification 37A steel drums. (Modes 1, 2, and 3.)
9953-P	DOT-E 9953	Transport Corporation of America, Inc., Minneapolis, MN.	49 CFR 177.834(i)(2)(i)	To become a party to exemption 9953. (Mode 1.)
9953-X	DOT-E 9953	Fore Way Express, Inc., Wausau, WI.	49 CFR 177.834(i)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases in temperature controlled equipment. (Mode 1.)
9956-X	DOT-E 9956	DPC Industries, Inc., Houston, TX.	49 CFR 173.277(a)(9), 178.340, 178.343.	To authorize shipment of hypochlorite solution in an unlined non-DOT specification cargo tank constructed of titanium. (Mode 1.)
9961-X	DOT-E 9961	Brown Measurement, Inc., Kilgore, TX.	49 CFR 173.119, 173.304, 173.315.	To reissue an exemption, originally issued on an emergency basis, that authorizes manufacture, mark and sell of non-DOT containers identified as meter provers to ship hydrocarbon products. (Mode 1.)
9964-X	DOT-E 9964	United Technologies Corporation, San Jose, CA.	49 CFR 173.88, 173.92	To authorize transport of a Rocket motor in propulsive state, with igniter installed, which exceeds the weight limitation in 49 CFR. (Mode 1.)
9968-X	DOT-E 9968	Moli Energy (1990), Limited, Maple Ridge, British Columbia.	49 CFR 173.206, 175.3, 175.85, Part 107, Appendix B.	To authorize transport of a limited number of certain lithium batteries on passenger-carrying aircraft. (Modes 1, 2, 3, and 4.)
9970-P	DOT-E 9970	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 172.101, 172.300, 175.65(e).	To become a party to exemption 9970. (Mode 1.)
9971-X	DOT-E 9971	Fisher Scientific Company, Fair Lawn, NJ.	49 CFR 173.119(a)(23), 173.245(a)(18), 174.3, 175.3, 176.3(a), 178.210.	To authorize rail freight and cargo vessel as additional modes of transportation. (Modes 1, 2, 3, and 4.)
9971-X	DOT-E 9971	J.T. Baker, Inc., Phillipsburg, NJ.	49 CFR 173.119(a)(23), 173.245(a)(18), 174.3, 175.3, 176.3(a), 178.210.	To authorize rail freight and cargo vessel as additional modes of transportation. (Modes 1, 2, 3, and 4.)
9972-X	DOT-E 9972	Lubrizol Corporation, Wickliffe, OH.	49 CFR 173.225	To authorize shipment of Phosphorus pentasulfide in non-DOT specification railroad tank car tanks. (Mode 2.)
9977-X	DOT-E 9977	Hercules Aerospace Company, Magna, UT.	49 CFR 173.88(e)(2)(ii), 173.92(a)(i), 173.92(b).	To authorize the addition of a specifically designed trailer van configuration (Delta II Transporter) for a shipment of rocket motor, Class B explosive. (Mode 1.)
9977-X	DOT-E 9977	Hercules Aerospace Company, Magna, UT.	49 CFR 173.88(e)(2)(ii), 173.92(a)(i), 173.92(b).	To authorize the addition of a specifically designed trailer van configuration (Delta II Transporter) for a shipment of rocket motor, Class B explosive. (Mode 1.)
9977-X	DOT-E 9977	McDonnell Douglas Space Systems Company, Huntington Beach, CA.	49 CFR 173.88(e)(2)(ii), 173.92(a)(i), 173.92(b).	To authorize the addition of a specifically designed trailer van configuration (Delta II Transporter) for a shipment of rocket motor, Class B explosive. (Mode 1.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9991-X	DOT-E 9991	Garrison Industries, Inc., El Dorado, AR.	49 CFR 173.268, 173.3(a)	To authorize use of a DOT Specification 42D aluminum drum of 30-gallon capacity for shipment of fuming nitric acid, instead of authorized DOT Specification 42B aluminum drums. (Mode 1.)
9993-X	DOT-E 9993	ET, Inc., Fairfield, CA	49 CFR 173.65(a)(4)	To authorize shipment of a High explosive in a DOT Specification 15A wooden box with a maximum gross weight of 400 pounds. (Mode 1.)
9990-X	DOT-E 9990	Honeywell, Inc., Brooklyn Park, MN.	49 CFR 173.113	To authorize transport of Detonating Fuzes, Class C explosives, in a packaging not authorized in 49 CFR. (Mode 1.)
9991-X	DOT-E 9991	Emergency Technical Services Corp. of Illinois, Schaumburg, IL.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346	To authorize use of a non-DOT specification steel, full opening head, "salvage" cylinder of 4.8 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
9992-X	DOT-E 9992	Atochem North America, Inc., Philadelphia, PA.	49 CFR 173.365	To authorize shipment of Dithiocarbamate pesticides, solid, n.o.s., classed as Poison B, in a non-DOT bag constructed of coated woven polypropylene with a polyethylene liner bag. (Modes 1 and 3.)
9993-X	DOT-E 9993	Goex, Inc., Cleburne, TX	49 CFR 172.101, 175.30	To authorize transport of a fire extinguisher device containing 20 grams of a Class C explosive. (Modes 1, 2, 4, and 5.)
9994-X	DOT-E 9994	Hoover Group, Inc., Beatrice, NE	49 CFR 178.83-7, 178.83-8	To authorize manufacture, marking and sale of non-DOT Specification stainless steel drum-type container of 55-gallon capacity, conforming to DOT Specification 5C—with certain exceptions, for shipment of those materials authorized in a DOT-5C stainless steel drum. (Mode 1.)
9995-X	DOT-E 9995	Copps Industries, Inc., Menomonee Falls, WI.	49 CFR 173.249, 175.3	To authorize transport of alkaline corrosive liquids in one quart capacity metal can, packed in non-DOT specification removable head polyethylene pail. (Modes 1, 2, 3, and 4.)
9996-X	DOT-E 9996	Transac, Inc., Macon, GA.	49 CFR 173.154, 173.164, 173.176, 173.182, 173.217, 173.234, 173.245b, 173.366	To authorize manufacture, marking and sale of large, collapsible polyethylene-lined woven polypropylene bulk bags having a capacity of approximately 2,200 pounds each, and top and bottom outlets, for shipment of flammable solids, oxidizing materials, poison B solids and corrosive solids. (Modes 1 and 2.)
9997-X	DOT-E 9997	Hodgdon Powder Company, Inc., Shawnee Mission, KS.	49 CFR 173.107, 173.87	To authorize transport of a kit containing smokeless powder for small arms, percussion caps and non-hazardous articles such as lead balls and bore cleaner, packed in non-DOT specification corrugated fiberboard boxes. (Modes 1 and 3.)
9998-X	DOT-E 9998	Accumulators, Inc., Houston, TX	49 CFR 173.302(a)(1), 175.3	To authorize shipment of nitrogen in hydraulic accumulators. (Modes 1, 2, 3, 4.)
10001-P	DOT-E 10001	Wilson Welding Supply, Inc., Warren, MI.	49 CFR 173.316, 173.320	To become a party to exemption 10001. (Mode 1.)
10001-P	DOT-E 10001	Midwest Airgas, Inc., Fairfield, IA	49 CFR 173.316, 173.320	To become a party to exemption 10001. (Mode 1.)
10001-X	DOT-E 10001	Airco, The BOC Group, Inc., Murray Hill, NJ.	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)
10001-X	DOT-E 10001	Linde Puerto Rico, Inc., Gurabo, PR.	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)
10001-X	DOT-E 10001	Linde Gases of the Southeast, Inc., Wilmington, NC.	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)
10001-X	DOT-E 10001	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)
10001-X	DOT-E 10001	Linde Gases of the South, Inc., Houston, TX.	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)
10001-X	DOT-E 10001	Linde Gases of the Mid-Atlantic, Inc., Keasbey, NJ.	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)
10001-X	DOT-E 10001	Linde Gases of Southern California, Inc., Santa Ana, CA.	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)
10001-P	DOT-E 10001	Iweco, Inc., Houston, TX	49 CFR 173.316, 173.320	To become a party to exemption 10001. (Mode 1.)
10001-X	DOT-E 10001	Linde Gases of the Northwest, Portland, OR.	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)
10001-X	DOT-E 10001	Linde Gases of the West, Inc., San Ramon, CA.	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)
10001-X	DOT-E 10001	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10001-X	DOT-E 10001	Linde Gases of Florida, Inc., Tampa, FL	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)
10001-X	DOT-E 10001	Linde Gases of the Midwest, Inc., Hillside, IL	49 CFR 173.316, 173.320	To authorize transport of argon containing up to 10% oxygen as a refrigerated liquid, in DOT Specification 4L cylinders. (Mode 1.)
10003-X	DOT-E 10003	Hoover Group, Inc., Beatrice, NE	49 CFR 178.82	To authorize an optional permanently attached base assembly and a modification to the bottom outlet to accommodate new base on non-DOT specification steel drums for shipment of certain hazardous materials. (Mode 1.)
10015-X	DOT-E 10015	Greif Bros. Corporation, Springfield, NJ	49 CFR 173.247	To authorize manufacture, marking and sale of DOT Specification 34 polyethylene drums of 30- and 55-gallon capacity, for shipment of benzoyl chloride. (Modes 1, 2, 3.)
10016-X	DOT-E 10016	Ecolab Incorporated, Eagan, MN	49 CFR 178.19, Part 173, Subparts D, F.	To authorize shipment of liquid hazardous materials in a removable head polyethylene drum of five gallon capacity, without overpack. (Modes 1, 2, 3.)
10020-X	DOT-E 10020	Allwaste, Inc., Washington, DC	49 CFR 173.245b	To authorize an additional roll-on/roll-off container for the shipment of certain solid waste corrosive materials or flammable sludge materials. (Mode 1.)
10020-P	DOT-E 10020	SET Environmental, Inc., Wheeling, IL	49 CFR 173.245b	To become a party to exemption 10020. (Mode 1.)
10020-X	DOT-E 10020	Allwaste, Inc., Houston, TX	49 CFR 173.245b	To authorize certain flammable solids/sludges, classed as flammable solid, as an additional commodity for shipment in non-DOT Specification roll-on/roll-off containers. (Mode 1.)
10022-X	DOT-E 10022	Linde Gases of New England, Inc., West Hartford, CT	49 CFR 173.119, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.302, 173.304, 173.328, 173.34, 173.346	To authorize use of a non-DOT Specification full removable head, steel salvage cylinder of approximately 55 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10022-X	DOT-E 10022	Linde Puerto Rico, Inc., Gurabo, PR	49 CFR 173.119, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.302, 173.304, 173.328, 173.34, 173.346	To authorize use of a non-DOT Specification full removable head, steel salvage cylinder of approximately 55 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10022-X	DOT-E 10022	Linde Gases of the Southeast, Inc., Wilmington, NC	49 CFR 173.119, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.302, 173.304, 173.328, 173.34, 173.346	To authorize use of a non-DOT Specification full removable head, steel salvage cylinder of approximately 55 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10022-X	DOT-E 10022	Linde Gases of the South, Inc., Houston, TX	49 CFR 173.119, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.302, 173.304, 173.328, 173.34, 173.346	To authorize use of a non-DOT Specification full removable head, steel salvage cylinder of approximately 55 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10022-X	DOT-E 10022	Linde Gases of the Mid-Atlantic, Inc., Keasbey, NJ	49 CFR 173.119, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.302, 173.304, 173.328, 173.34, 173.346	To authorize use of a non-DOT Specification full removable head, steel salvage cylinder of approximately 55 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10022-X	DOT-E 10022	Linde Gases of Southern California, Inc., Santa Ana, CA	49 CFR 173.119, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.302, 173.304, 173.328, 173.34, 173.346	To authorize use of a non-DOT Specification full removable head, steel salvage cylinder of approximately 55 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10022-X	DOT-E 10022	Linde Gases of the Northwest, Inc., Portland, OR	49 CFR 173.119, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.302, 173.304, 173.328, 173.34, 173.346	To authorize use of a non-DOT Specification full removable head, steel salvage cylinder of approximately 55 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10022-X	DOT-E 10022	Union Carbide Industrial Gases, Inc., Danbury, CT	49 CFR 173.119, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.302, 173.304, 173.328, 173.34, 173.346	To authorize use of a non-DOT Specification full removable head, steel salvage cylinder of approximately 55 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10022-X	DOT-E 10022	Linde Gases of Florida, Inc., Tampa, FL	49 CFR 173.119, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.302, 173.304, 173.328, 173.34, 173.346	To authorize use of a non-DOT Specification full removable head, steel salvage cylinder of approximately 55 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10028-X	DOT-E 10028	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE	49 CFR 173.255(a)(4)	To modify the exemption to authorize DOT Specification 112A400W tank car tanks for shipment of dimethyl sulfate, classed as a corrosive material. (Mode 2.)
10031-X	DOT-E 10031	Universal Cryogenics Corporation, Boyer, PA	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 178.338	To authorize manufacture, marking and sale of non-DOT specification, insulated portable tanks for transportation of liquefied helium. (Modes 1 and 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10032-X	DOT-E 10032	Arbel-Fauvet-Rail, Douai, Cedex, France.	49 CFR 173.315, 178.245	To authorize manufacture, marking and sale of non-DOT Specification IMO Type 5 portable tanks for the shipment of certain materials classed as Flammable liquid, Flammable gas or Nonflammable gas. (Modes 1, 2, 3.)
10032-X	DOT-E 10032	Atochem S.A., Paris, France	49 CFR 173.315, 178.245	To authorize manufacture, marking and sale of non-DOT Specification IMO Type 5 portable tanks for the shipment of certain materials classed as Flammable liquid, Flammable gas or Nonflammable gas. (Modes 1, 2, 3.)
10032-X	DOT-E 10032	Eurotainer, S.A., Paris, France	49 CFR 173.315, 178.245	To authorize manufacture, marking and sale of non-DOT Specification IMO Type 5 portable tanks for the shipment of certain materials classed as Flammable liquid, Flammable gas or Nonflammable gas. (Modes 1, 2, 3.)
10032-X	DOT-E 10032	MCM, Management Control & Maintenance, S.A., Geneva, Switzerland.	49 CFR 173.315, 178.245	To authorize manufacture, marking and sale of non-DOT Specification IMO Type 5 portable tanks for the shipment of certain materials classed as Flammable liquid, Flammable gas or Nonflammable gas. (Mode 1, 2, 3.)
10032-X	DOT-E 10032	Atochem, Paris, France	49 CFR 173.315, 178.245	To authorize manufacture, marking and sale of non-DOT Specification IMO Type 5 portable tanks for the shipment of certain materials classed as Flammable liquid, Flammable gas or Nonflammable gas. (Modes 1, 2, 3.)
10040-X	DOT-E 10040	Atlas Powder Company, Dallas, TX.	49 CFR 173.133	To authorize shipment of a material classed as a flammable liquid, containing 10.2 percent nitroglycerin in a DOT specification 21P fiber drum with a 2S or 2SL liner not exceeding 30 gallons capacity. (Modes 1 and 3.)
10046-X	DOT-E 10046	Eveready Battery Company, Inc., Cleveland, OH.	49 CFR Parts 100-177	To authorize shipment of specified type of lithium cell excepted from the requirements of the Department's Hazardous Materials Regulations. (Modes 1, 2, 3, 4, 5.)
10046-X	DOT-E 10046	Eveready Battery Company, Inc., Cleveland, OH.	49 CFR Parts 100-177	To authorize shipment of specified type of lithium cell excepted from the requirements of the Department's Hazardous Materials Regulations. (Modes 1, 2, 3, 4, 5.)
10047-X	DOT-E 10047	Taylor-Wharton Cylinders, Harrisburg, PA.	49 CFR 173.301(h), 173.302(a), 173.304, 173.34(a)(1), 175.3, 178.37.	To authorize manufacture, marking and sale of non-DOT specification cylinders conforming in part with DOT Specification 3AA cylinders, for transportation of certain hazardous materials. (Modes 1, 2, 3, 4.)
10069-X	DOT-E 10069	Martin Electronics, Inc., Perry, FL	49 CFR 172.101, 173.88, 173.91	To authorize shipment of special fireworks, classed as a Class B explosives, as a Class C explosive when shipped separately from the initiating device. (Mode 1.)
10085-X	DOT-E 10085	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.384, 173.3a, 177.841(b).	To authorize shipment of monochloroacetone, inhibited, in a DOT Specification MC-312 cargo tank with no bottom outlets. (Mode 1.)
10090-X	DOT-E 10090	Clawson Tank Company, Clarkston, MI.	49 CFR 173.266, 178.19, 178.253, Part 173 Subparts D and F.	To authorize minor modifications to the frame, the provision for some additional small top openings, and a reduction in the wall thickness of the polyethylene IBC component. (Modes 1 and 2.)
10094-P	DOT-E 10094	Ireco, Incorporated, Salt Lake City, UT.	49 CFR 173.154(a)(17)	To become a party to exemption 10094. (Mode 2.)
10094-P	DOT-E 10094	LaRoche Industries, Inc., Atlanta, GA.	49 CFR 173.154(a)(17)	To become a party to exemption 10094. (Mode 2.)
10097-X	DOT-E 10097	Hercules Aerospace Company, Magna, UT.	49 CFR 173.88(e)(2)(ii), 173.92(a)(1), 173.92(b).	To authorize transport of rocket motors in a propulsive state and with igniters installed in packaging not authorized in 49 CFR 173.92. (Mode 1.)
10108-P	DOT-E 10108	Mitsui & Co. (U.S.A.), Inc., New York, NY.	49 CFR 173.150 to 173.381, 178.19-2, 178.19-6.	To become a party to exemption 10108 (Modes 1 and 3.)
10134-X	DOT-E 10134	Fluid Systems Div. of Allied-Signal Aerospace, Co. Tempe, AZ.	49 CFR 173.302, 175.3, 178.44	Request modification to formula used in wall stress calculation for pressure vessels used for shipping argon and helium mixture, classed as nonflammable gas. (Modes 1, 2, 3, 4, 5.)
10142-X	DOT-E 10142	Tuscarora Plastics, Inc., Reston, VA.	49 CFR 173.119(a)(23), 173.245(a)(18), 178.210.	To authorize shipment of those flammable liquids and corrosive liquids authorized to be shipped in a DOT Specification 12A or 12B fiberboard box. (Modes 1, 2, 3, 4.)
10171-X	DOT-E 10170	Cleveland Steel Container, Cleveland, OH.	49 CFR 178.16-7, Part 173, Subpart E.	To authorize water as an additional mode of transportation. (Modes 1, 2, 3.)
10170-P	DOT-E 10171	Ermetainer Case Postale 873, France.	49 CFR 173.123, 173.315, 178.245.	To become a party to exemption 10171 (Modes 1, 2, 3.)
10174-X	DOT-E 10174	Ethyl Corporation, Baton Rouge, LA.	49 CFR 173.206	To renew exemption originally issued on an emergency basis to authorize shipment of metallic sodium in a tank car tan conforming to DOT 105A500W without safety valve and opening blind flanged. (Mode 2.)
10176-X	DOT-E 10176	Eveready Battery Company, Inc., Westlake, OH.	49 CFR 172.101, 172.400, 175.3	To modify exemption to increase gram content to 1½ for lithium batteries; authorize UN4G fiberboard box and revise labeling, marking and placarding requirements. (Modes 1, 2, 3.)



## RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10196-X	DOT-E 10196	Penox Technologies Inc., Pittston, PA.	49 CFR 173.316, 178.57-2, 178.57-8(c).	To authorize shipment of liquid oxygen in insulated non-DOT Specification cylinders constructed of 24 gauge steel with a baffle plate allowing 90% filling capacity not to exceed 50 psig. (Mode 1.)
10207-X	DOT-E 10207	Atlantic Research Corporation, Gainesville, VA.	49 CFR 173.88(e)(2)(ii), 173.92(b)	To authorize shipment of additional rocket motor with igniter installed and in a propulsive state. (Modes 1, 3.)
10239-P	DOT-E 10239	Vulcan Chemicals, Birmingham, AL.	49 CFR 173.263, 179.200-18(b)(1).	To become a party to exemption 10239 (Mode 2.)
10239-P	DOT-E 10239	Reagent Chemical & Research, Inc., Port Neches, TX.	49 CFR 173.263, 179.200-18(b)(1).	To become a party to exemption 10239 (Mode 2.)
10239-P	DOT-E 10239	Vista Chemical Company, Baltimore, MD.	49 CFR 173.263, 179.200-18(b)(1).	To become a party to exemption 10239 (Mode 2.)
10260-P	DOT-E 10260	Image Technology Corporation, Chandler, AZ.	49 CFR 173.266	To become a party to exemption 10260 (Modes 1, 2, 3.)
10260-P	DOT-E 10260	Hi Pure Chemicals, Inc., Nazareth, PA.	49 CFR 173.266	To become a party to exemption 10260. (Modes 1, 2, 3.)
10261-P	DOT-E 10261	Image Technology Corporation, Chandler, AZ.	49 CFR 173.272	To become a party to exemption 10261. (Modes 1, 2, 3.)
10261-P	DOT-E 10261	Hi Pure Chemicals, Inc., Nazareth, PA.	49 CFR 173.272	To become a party to exemption 10261. (Modes 1, 2, 3.)
10285-P	DOT-E 10285	Cream of the Crop, Salinas, CA.	49 CFR 173.29, 173.315	To become a party to exemption 10285. (Mode 1.)
10295-P	DOT-E 10295	Schering Berlin Polymers, Inc., Dublin, OH.	49 CFR 173.134	To become a party to exemption 10295. (Modes 1 and 3.)
10301-X	DOT-E 10301	Fred Hutchinson Cancer Research Center, Seattle, WA.	49 CFR Parts 100 through 199	To authorize shipment of liquid nitrogen contained in an insulated plastic container to be transported in the cabin of a passenger-carrying aircraft under special conditions, except from party of 49 CFR. (Mode 5.)
10307-P	DOT-E 10307	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 179.200-18, 179.201-1	To become a party to exemption 10307. (Mode 2.)
10307-P	DOT-E 10307	FMC Corporation, Philadelphia, PA.	49 CFR 179.200-18, 179.201-1	To become a party to exemption 10307. (Mode 2.)
10307-P	DOT-E 10307	Vulcan Chemicals, Birmingham, AL.	49 CFR 179.200-18, 179.201-1	To become a party to exemption 10307. (Mode 2.)
10307-P	DOT-E 10307	Olin Chemicals, Stamford, CT.	49 CFR 179.200-18, 179.201-1	To become a party to exemption 10307. (Mode 2.)
10307-P	DOT-E 10307	Vista Chemical Company, Baltimore, MD.	49 CFR 179.200-18, 179.201-1	To become a party to exemption 10307. (Mode 2.)
10376-X	DOT-E 10376	Minnesota Commercial Railway Company, Chicago, IL.	49 CFR 174.67(j)	To reissue exemption originally issued on an emergency basis to authorize DOT Specification 105A500W tank car tanks loaded with carbon dioxide, refrigerated liquid, to remain standing with unloading. (Mode 2.)
10399-X	DOT-E 10399	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.22(a), 174.3, 175.3, 176.3, 177.801.	To reissue exemption originally issued to authorize shipment of a specific device described as rocket ammunition with smoke projectile, Class B explosive by motor vehicle and cargo aircraft only. (Modes 1 and 4.)
10399-X	DOT-E 10399	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.22(a), 174.3, 175.3, 176.3, 177.801.	To authorize cargo vessel and rail freight as additional modes of transportation for shipment or rocket ammunition with smoke projectile, classed as Class B explosive instead of Class A explosives. (Modes 1 and 4.)
10402-X	DOT-E 10402	Astrotech Space Operation, L.P., Silver Spring, MD.	49 CFR 173.336	To reissue exemption originally on an emergency basis to authorize shipment of Nitrogen tetroxide, classed as a poison A, contained in specially designed stainless steel pipe column. (Mode 1.)
10424-X	DOT-E 10424	Pennsylvania Engineering Company, Philadelphia, PA.	49 CFR 173.34(e)(9), (e)(10)	To reissue exemption originally issued on an emergency basis to authorize shipment of mixture of ethylene oxide & dichlorodifluoromethane classed as nonflammable gas in DOT Specification 4BA240 cylinders. (Mode 1.)
10429-X	DOT-E 10429	Nalco Chemical Company, Naperville, IL.	49 CFR 177.834(h), Part 107 appendix (B)(1), Part 173 Subpart D and F.	To authorize the discharge of certain flammable and corrosive liquids from DOT Specification 57 stainless steel portable tanks without removing the tanks from the vehicle on which it is transported. (Mode 1.)

## NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9847-N	DOT-E 9847	FIBA Leasing Co.—Mass Oxygen Equipment Co., Inc., Westboro, MA.	49 CFR 173.302(c), 173.34(e), 175.3.	To permit FIBA to retest DOT Specifications 3A and 3AA, 9-58 inch diameter cylinders by means other than the hydrostatic retest required in 49 CFR 173.34(e). (Modes 1, 2, 3, 4.)
10046-N	DOT-E 10046	Eveready Battery Company, Inc., Cleveland, OH.	49 CFR part 100-177	To authorize shipment of specified type of lithium cell excepted from the requirements of the Department's Hazardous Materials Regulations. (Modes 1, 2, 3, 4, 5.)



## NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10119-N.....	DOT-E 10119.....	Crow Executive Air Charter, Inc., Millbury, OH.	49 CFR 172.101, 173.54, 175.30 .....	To authorize carriage of certain explosives by cargo aircraft only. (Mode 4.)
10164-N.....	DOT-E 10164.....	Moli Energy, Limited, Burnaby, B.C., Canada.	49 CFR 173.1015 .....	To authorize transport of depleted lithium cells which originally contained more than 12 grams of lithium. (Mode 1.)
10210-N.....	DOT-E 10210.....	Gowan Company, Yuma, AZ.....	49 CFR 173.359(b)(1) .....	To authorize shipment of methyl parathion mixtures and parathion mixtures in DOT Specification 5C stainless steel drums 15 gallons capacity. (Mode 1.)
10211-N.....	DOT-E 10211.....	CP Industries, Incorporated, McKeesport, PA.	49 CFR 173.302, 173.304, 175.3 .....	To authorize the carriage of certain explosives by cargo aircraft only. (Modes 1, 2, 3, 4, 5.)
10232-N.....	DOT-E 10232.....	Sexton Can Company, Inc., Cambridge, MA.	49 CFR 173.304 .....	To authorize transport of refrigerant gases in a container conforming in part with the DOT Specification 2Q. (Modes 1, 2, 3, 4, 5.)
10260-N.....	DOT-E 10260.....	Olin Hunt Specialty Products, Inc., West Paterson, NJ.	49 CFR 173.266 .....	To authorize transport of a hydrogen peroxide solution, in a cylindrical steel overpack, straight sided, enclosing a polyethylene container of 101 liters capacity. (Modes 1, 2, 3.)
10261-N.....	DOT-E 10261.....	Olin Hunt Specialty Products, Inc., West Paterson, NJ.	49 CFR 173.272 .....	To authorize use of a non-DOT specification container consisting of an inner polyethylene bottle with an FRP outer housing, for the transportation of sulfuric acid solutions, not exceeding 98% concentration. (Modes 1, 2, 3.)
10266-N.....	DOT-E 10266.....	Mobil Pipe Line Company, Dallas, TX.	49 CFR 173.119 .....	To authorize use of a non-DOT specification container, for shipment of certain flammable liquids and flammable gases. (Mode 1.)
10267-N.....	DOT-E 10267.....	Belick Enterprise, Inc., Schaumburg, IL.	49 CFR 173.268, 178.212-1 .....	To authorize manufacture, marking and sale of a non-DOT specification paper-faced expanded polystyrene board box for use in the shipment of nitric acid. (Mode 1.)
10273-N.....	DOT-E-10273.....	Georgia-Pacific Corporation, Schenectady, NY.	49 CFR 173.154, 173.217, 173.245b, 173.365.	To authorize manufacture, marking and sale of non-reusable, fiberboard bulk boxes having an inside lining of 0.0065-inch minimum thickness polyethylene film. (Mode 1.)
10277-N.....	DOT-E-10277.....	Amtrol, Inc., West Warwick, RI.....	49 CFR 175.30, 178.51, part 173, subpart G.	To authorize manufacture, marking and sale of non-DOT specification cylinder conforming in part with the DOT Specification 4BA. (Modes 1, 2, 4.)
10278-N.....	DOT-E-10278.....	Taymar Limited, Stockport, Cheshire, England.	49 CFR 173.304(d), 178.33.....	To authorize shipment of certain flammable gases in a nonrefillable, non-DOT Specification inside container conforming with the DOT Specification 2P except for diameter and capacity. (Modes 1 and 3.)
10279-N.....	DOT-E-10279.....	Flexcon Industries, Randolph, MA ..	49 CFR 173.306(g)(1), part 172, subparts D, E.	To authorize manufacture, marking and sale of non-DOT specification steel water pump system tank with an outside diameter not exceeding 26 inches. (Modes 1, 2, 3.)
10291-N.....	DOT-E-10291.....	Tankbouw Rootseelaar B.V., Holland.	49 CFR 173.315, 178.245.....	To authorize use of a non-DOT specification IMO Type 5 portable tank, for shipment of certain flammable and nonflammable compressed gases. (Modes 1, 2, 3.)
10292-N.....	DOT-E-10292.....	Kerrco Incorporation, Hastings, NE.	49 CFR 173.119, 173.125, 173.266, part 173, subpart F.	To authorize manufacture, marking and sale of a non-DOT specification rotationally molded, linear low density polyethylene portable tank, for the shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2, 3.)
10295-N.....	DOT-E-10295.....	Sherex Chemical Company, Inc., Dublin, OH.	49 CFR 173.134 .....	To authorize use of a DOT Specification 17C metal drum with inside non-DOT specification metal containers, for shipment of pyrophoric liquids, n.o.s. (Modes 1 and 3.)
10297-N.....	DOT-E-10297.....	Tropigas De Puerto Rico, Inc., Caguas, PR.	49 CFR 173.34(L) (1), (2), (3), 175.30, part 107, appendix B.	To authorize rebuilding and selling of DOT Specification 4B, 4BA and 4BW cylinders, for shipment of certain hazardous materials. (Modes 1, 2, 3, 4, 5.)
10305-N.....	DOT-E-10305.....	Union Carbide Chemicals and Plastics Company, Inc., Danbury, CT.	49 CFR 173.31(c)(1), Retest Table 1.	To authorize use of DOT Specification 105A300W tank car tanks converted to DOT Specification 111A100W2 tank car tanks with an extended retested interval. (Mode 2.)
10308-N.....	DOT-E-10308.....	Alaska Marine Lines, Seattle, WA.....	49 CFR 176.83 .....	To waive the requirement that explosives must be the last cargo loaded and first cargo unloaded from a vessel in each port. (Mode 3.)
10316-N.....	DOT-E 10316.....	McDonnell Douglas Corporation, St. Louis, MO.	49 CFR 173.87 .....	To authorize transportation of various Class C explosives in the same outside packaging in quantities greater than those authorized in 49 CFR 173.87. (Mode 1.)
10318-N.....	DOT-E 10318.....	Sonoco Fibre Drum, Inc., Lombard, IL.	49 CFR 173.119, 173.125, 173.266, part 173, subpart F.	To authorize manufacture, marking and sale of nonreusable non-DOT specification blow molded, polyethylene portable tank enclosed in a steel frame, for shipment of corrosive materials, flammable liquids, or an oxidizer. (Modes 1 and 2.)



## NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10320-N	DOT-E 10320	Worthington Cylinder Corporation, Columbus, OH.	49 CFR 173.303(a), 178.61	To authorize manufacture, marking and sale of non-DOT specification steel cylinders comparable to DOT Specification 8AL except the steel shell is made to a DOT Specification 4BW for the shipment of acetylene. (Modes 1 and 3.)
10321-N	DOT-E 10321	Worthington Cylinders Corporation, Columbus, OH.	49 CFR 173.302, app. B, 173.34	To authorize the shipment of a nonliquefied flammable gas in DOT Specifications 4BA 240, 4BA 260, 4BW 240, and 4BW 260 steel cylinders and 4E 240, 4E 260 aluminum cylinders. (Mode 1.)
10323-N	DOT-E 10323	Solkatronic Chemicals, Inc., Morrisville, PA.	49 CFR 173.24, 173.300, 173.34	To authorize the use of a non-DOT specification full-opening head salvage cylinder of 8 gallons capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10330-N	DOT-E 10330	Fluoroware, Inc. Chaska, MN.	49 CFR 173.119, 173.268, 173.299, 178.19, 178.35, 178.35(a), part 173 subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, teflon PFA inner container enclosed in a outer stainless steel shell for the shipment of corrosive liquids, flammable liquids or oxidizers. (Modes 1, 2, 3.)
10334-N	DOT-E 10334	Chevron Pipe Line Company, Midland, TX.	49 CFR 173.119, 173.304, 173.315.	To authorize the use of a non-DOT specification containers described as mechanical displacement meter provers mounted on trailers with configurations, for transportation of flammable liquids and flammable gases. (Mode 1.)
10335-N	DOT-E 10335	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.34(d)	To authorize shipment of bromotrifluoromethane in DOT Specification 4BA400 or 4BW400 cylinders equipped with fusible pressure relief devices. (Mode 1.)
10336-N	DOT-E 10336	Morton International Inc., Odgen, UT.	49 CFR 173.93(a)(9)	To authorize the transportation of propellant explosives, solid in packagings larger than those authorized in 49 CFR 173.93 (Mode 1.)
10343-N	DOT-E 10343	Cryogenic Services, Inc., Canton, GA.	49 CFR 178.57-8(c)	To authorize shipment of liquid oxygen in an insulated non-DOT specification cylinder conforming with 49 CFR 178.57 except 178.57-2 and 178.57-8(c). (Mode 1.)
10344-N	DOT-E 10344	U.S. Department of Defense, Falls Church, VA.	49 CFR 172.101, 173.1015	To authorize transportation of depleted lithium batteries from U.S. military bases overseas to the United States for disposal. (Modes 1, and 3.)
10346-N	DOT-E 10346	Weyerhaeuser Company, Tacoma, WA.	49 CFR 174.67(i), 174.67(j)	To authorize tank car tanks loaded with chlorine to remain attached to transfer connections when the unloading process is discontinued. (Mode 2.)
10347-N	DOT-E 10347	PPG Industries, Inc., Pittsburgh, PA.	49 CFR 173.247	To authorize shipment of trimethylacetyl chloride in DOT Specification 34 containers of 55 gallons capacity. (Modes 1, 2, 3.)
10349-N	DOT-E 10349	Uniroyal Chemical Company, Inc., Middlebury, CT.	49 CFR 173.31(b), (c)	To authorize a one-time shipment of styrene monomer residue in a DOT Specification 103W tank car tank which is overdue for retest and for cleaning prior to scrapping. (Mode 2.)
10355-N	DOT-E 10355	Chemtech Industries, Inc., St. Louis, MO.	49 CFR 173.264	To authorize transport of hydrochloric acid solutions in a DOT Specification 111A100W5 tank car tank equipped with an ethylene chlorotrifluoroethylene lining. (Mode 2.)
10364-N	DOT-E 10364	Hoechst Celanese Corporation, Somerville, NJ.	49 CFR 173.3-C(1)	To authorize a one-time shipment of a corrosive liquid in approximately 550 non-DOT specification 55-gallon metal drums overpacked in polyethylene, removable head, salvage drums not to exceed 95-gallon capacity. (Mode 1.)
10373-N	DOT-E 10373	Day & Zimmerman, Inc. (DZI), Parsons, KS.	49 CFR 173.56(b), (c)(1), 173.86(b).	To authorize shipment of explosive projectiles, Class A explosives in specially designed military packaging, exceeding weight limits. (Modes 1, and 2.)
10374-N	DOT-E 10374	Soltralentz S.W., Drulingen, France.	49 CFR 173.119, 173.125, 173.245, 173.249, 173.249a, 173.250a, 173.256, 173.257, 173.262, 173.263, 173.264, 173.265, 173.266, 173.269, 173.292, 173.297, 173.299a.	To authorize manufacture, marking and sale of non-DOT specification blow molded, polyethylene portable tank enclosed in a steel frame, for the shipment of corrosive materials, flammable liquids, or an oxidizer. (Modes 1, 2, 3.)
10380-N	DOT-E 10380	Hydra Rig, Inc., Fort Worth, TX.	49 CFR 49 CFR 173.320	To authorize manufacture, marking and sale non-DOT specification cryogenic portable tanks. (Mode 3.)
10381-N	DOT-E 10381	Defence Technology and Procurement Agency, CH-3000 Berne 25, Switzerland.	49 CFR 175.3, 49 CFR 172.101, column (6)(b).	To authorize the transportation of rocket warheads classed as Class A explosives on cargo aircraft. (Mode 4.)
10382-N	DOT-E 10382	ICI Americas, Inc., Wilmington, DE.	49 CFR 173.245(a)	To authorize the shipment of ethyl phosphonothioic dichloride, anhydrous in DOT Specification 1055300W tank car tanks. (Mode 2.)
10387-N	DOT-E 10387	Olin Corporation—Defense Systems Group, East Alton, IL.	49 CFR 173.102	To authorize the transportation of starter cartridges, Class C explosive, in DOT Specification 17H steel drums. (Mode 1.)
10389-N	DOT-E-10389	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 174.67(i)	To authorize tank car tanks loaded with chlorine to remain attached to transfer connections when the unloading process is discontinued. (Mode 2.)



## NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10392-N	DOT-E-10392	Riblet Plastics, Bristol, IN	49 CFR 173.119, 173.125, 173.245, 173.249, 173.249(a), 173.250(a), 173.256, 173.257, 173.262, 173.263, 173.264, 173.265, 173.266, 173.269, 173.272, 173.276, 173.277, 173.283, 173.287, 173.288, 173.289, 173.292, 173.297, 173.299(a).	To authorize manufacture, mark and sale of non-DOT specification rotationally molded, linear low density polyethylene portable tank, enclosed within a protective metal frame for the shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, and 2.)
10396-N	DOT-E-10396	Chevron Pipe Line Company, Salt Lake City, UT.	49 CFR 173.119	To authorize use a non-DOT specification container described as a mechanical displacement meter prover for the shipment of a flammable liquid. (Mode 1.)
10400-N	DOT-E-10400	Martin Marietta Ordnance Systems, Inc., Milan, TN.	49 CFR 173.56(a)	To authorize the transportation of grenades fuzes installed, in partitioned fiberboard cartons overpacked in wooden boxes and palletized. (Modes 1, and 3.)
10412-N	DOT-E-10412	Hoechst Celanese Corporation, Dallas, TX.	49 CFR 173.119.(a)(3)	To authorize the one-time shipment diethylamine (DEA) and triethylamine (TEA) in DOT specification 17E, 20/18 gauge, steel drums having a capacity of 55-gallons. (Mode 1.)
10413-N	DOT-E-10413	Harcros Chemicals, Inc., Dallas, TX.	49 CFR 173.163	To authorize one-time shipment of sodium chlorate in 400 non-DOT specification metal drums. (Mode 1.)
10419-N	DOT-E-10419	Wayne County Department of Public Services, Wyandotte, MI.	49 CFR 174.67(i)	To authorize tank car tanks loaded with chlorine to remain attached to transfer connections when the unloading process is discontinued. (Mode 2.)
10431-N	DOT-E-10431	Bowater Drums Limited, Cheshire, United Kingdom.	49 CFR 173.127, 173.175, 173.184, 178.224.	To authorize manufacture, marking and sale of non-DOT specification fiber drum, similar to a DOT Specification 21C except the bottom head may be made of low density polyethylene, for the transportation of certain flammable liquids and flammable solids. (Modes 1, 2, 3.)
10434-N	DOT-E-10434	S.C. Johnson & Son, Inc., Racine, WI.	49 CFR 173.245	To authorize shipment of corrosive liquids in an individually shrink-wrapped non-DOT specification fiberboard box containing one inside non-rigid, double-wall bag with a capacity not exceeding 5 gallons. (Modes 1, 2, 3.)

## EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 3330-X	DOT-E 3330	Babcock and Wilcox Company, Lynchburg, VA.	49 CFR 173.214(b), 173.214(d)	To authorize use of non-DOT specification insulated containers overpacked in DOT Specification 17C, 17H, or 37A metal drums, for transportation of certain flammable solid materials. (Modes 1 and 2.)
EE 4453-X	DOT-E 4453	Thermex Energy Corporation, Dallas, TX.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
EE 4453-X	DOT-E 4453	Buckley Powder Company, Englewood, CO.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
EE 4453-X	DOT-E 4453	Mine Equipment & Mill Supply Company, Dawson Springs, KY.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1 and 3.)
EE 5206-X	DOT-E 5206	Geenen Explosives, Inc., Kaukauna, WI.	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
EE 6016-X	DOT-E 6016	Langdon Oxygen Company, Texarkana, TX.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
EE 6016-X	DOT-E 6016	Langdon Oxygen Company, Texarkana, TX.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
EE 6016-X	DOT-E 6016	Weiler Welding Company, Incorporated, Dayton, OH.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
EE 6267-X	DOT-E 6267	Berry Plastics, Inc., Evansville, IN	49 CFR 173.154, 173.217(a)	To authorize use of DOT Specification 12B corrugated fiberboard boxes with inside polyethylene bottles and non-DOT specification double-faced fiberboard boxes, for transportation of certain oxidizing materials. (Modes 1, 2, 3.)
EE 6614-X	DOT-E 6614	Abcana Chemical Company, El Cajon, CA.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)



## EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 6614-X	DOT-E 6614	Continental Chemical Company, Sacramento, CA.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
EE 6614-X	DOT-E 6614	Abcana Industries, El Cajon, CA	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
EE 6614-X	DOT-E 6614	Bison Laboratories, Inc., Buffalo, NY.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (Mode 1.)
EE 6670-X	DOT-E 6670	Airco Electronic Gases, Riverton, NJ.	49 CFR 173.301(d), 173.302	To authorize shipment of tetrafluoromethane, in DOT Specification 3A2400, 3AA2400, 3AX2400 and 3AAX2400 cylinders. (Mode 1.)
EE 6805-P	DOT-E 6805	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (Mode 1.)
EE 6874-X	DOT-E 6874	Mitsui & Company (USA), Inc., New York, NY.	49 CFR 172.101 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3.)
EE 6874-X	DOT-E 6874	Mining Services International Corporation (MSI), Salt Lake City, UT.	49 CFR 172.101 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3.)
EE 6874-X	DOT-E 6874	Harcros, Inc., Kansas City, KS.	49 CFR 172.101 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3.)
EE 6874-X	DOT-E 6874	Goldstone Supply Corp., Sparks, NV.	49 CFR 172.101 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3.)
EE 6874-X	DOT-E 6874	Harcros, Inc., Kansas City, KS.	49 CFR 172.101 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3.)
EE 7051-X	DOT-E 7051	Advanced Research Chemicals, Inc., Catoosa, OK.	49 CFR 173.246(a), 175.3	To authorize use of non-DOT specification Teflon bottles overpacked with either a DOT Specification 12A or 12B fiberboard box to transport a corrosive liquid. (Modes 1, 2, 3.)
EE 7052-X	DOT-E 7052	American Meter Company, Philadelphia, PA.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Tauber Electronics, Inc., San Diego, CA.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Wildlife Materials, Inc., Carbon-dale, IL.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Smith Industries, formerly Lear Siegler, Inc., Grand Rapids, MI.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Computer Components Corporation, Dallas, TX.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Fairchild Defense, Germantown, MD.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Tauber Electronics, Inc., San Diego, CA.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Honeywell, Inc.—Defense Avionics Systems Div., Albuquerque, NM.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Wildlife Materials, Inc., Carbon-dale, IL.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Fairchild Defense, Germantown, MD.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7476-X	DOT-E 7476	Thompson Tank and Manufacturing Company, Long Beach, CA.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.340-8(c), 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 with certain exceptions, for transportation of flammable, corrosive and poisonous waste materials. (Mode 1.)
EE 7774-X	DOT-E 7774	Pipe Recovery Systems, Incorporated, Houston, TX.	49 CFR 173.246, 175.3	To authorize shipment of bromine trifluoride in non-DOT specification cylinders. (Modes 1, 2, 4.)
EE 7808-X	DOT-E 7808	Waterbury Companies, Inc., Waterbury, CT.	49 CFR 173.304, 175.3, 178.33a	To authorize shipment of insecticides and liquefied gas mixtures, in inside nonrefillable aluminum containers comparable to DOT Specification 2Q cylinders equipped with integral pressure relief system. (Modes 1, 2, 3, 4.)



## EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 7834-X	DOT-E 7834	Magnaflux Corporation, Chicago, IL	49 CFR 173.306(b)(4), 175.3	To authorize transport of nonliquefied sulfur hexafluoride in certain X-ray machines, overpacked in strong wooden or fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
EE 7834-X	DOT-E 7834	Magnaflux Corporation, Chicago, IL	49 CFR 173.306(b)(4), 175.3	To authorize transport of nonliquefied sulfur hexafluoride in certain X-ray machines, overpacked in strong wooden or fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
EE 7834-X	DOT-E 7834	Magnaflux Corporation, Chicago, IL	49 CFR 173.306(b)(4), 175.3	To authorize transport of nonliquefied sulfur hexafluoride in certain X-ray machines, overpacked in strong wooden or fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
EE 8127-X	DOT-E 8127	Societe Nationale des Poudres et Explosifs (SNPE), Bergerac, France.	49 CFR 171.12(d), 173.127, 173.184, 178.224.	To authorize use of a non-DOT specification fiberboard drum, for shipment of wet nitrocellulose. (Modes 1, 2, 3.)
EE 8214-P	DOT-E 8214	Ford Motor Company, Dearborn, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214. (Modes 1, 2, 3, 4.)
EE 8236-P	DOT-E 8236	Ford Motor Company, Dearborn, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8236. (Modes 1, 2, 3, 4.)
EE 8426-X	DOT-E 8426	Ancon Environmental Services, Wilmington, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 with certain exceptions, for transportation of liquid and semi-solid waste materials. (Mode 1.)
EE 8426-X	DOT-E 8426	Rich-Sand Service Company, Sanata Maria, CA.	49 CFR 173.119 (a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 with certain exceptions, for transportation of liquid and semi-solid waste materials. (Mode 1.)
EE 8451-P	DOT-E 8451	Day & Zimmerman, Inc., Long Star Division, Texarkana, TX.	49 CFR 173.65, 173.86(e), 175.3	To become a party to exemption 8451. (Modes 1, 2, 4.)
EE 8518-X	DOT-E 8518	Speed's Oil Tool Service, Inc., Santa Marie, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
EE 8519-X	DOT-E 8519	Polish Ocean Lines, Gdynia, Poland.	49 CFR 176.905(L)	To authorize stowage of motor vehicles with their fuel tanks containing gasoline, classed as a flammable liquid, in the same cargo compartment with other hazardous materials on specially equipped roll-on/roll-off cargo vessels. (Mode 3.)
EE 8554-X	DOT-E 8554	Amos L. Dolby Company, Corsica, PA.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
EE 8554-X	DOT-E 8554	Ramac Explosives of Pennsylvania, Incorporation, Allentown, PA.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
EEA 8554-P	DOT-E 8554	Mt. State Bit Service, Inc., Morgantown, WV.	49 CFR 173.114a, 173.154, 173.93.	To become a party to exemption 8554 (Modes 1 and 3.)
EE 8554-X	DOT-E 8554	Geemen Explosives, Inc., Kaukauna, WI.	49 CFR 173.114a, 173.154, 173.93.	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1 and 3.)
EE 8582-X	DOT-E 8582	Kansas City Southern Railway Company, Kansas City, MO.	49 CFR parts 100-177	To authorize transportation of railway track torpedoes and fuses packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (Mode 1.)
EE 8582-X	DOT-E 8582	The Iowa Northern Railway Company, Greene, IA.	49 CFR parts 100-177	To authorize transportation of railway track torpedoes and fuses packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (Mode 1.)
EE 8620-X	DOT-E 8620	Polar Tank Trailers, Inc., Holdingford, MN.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/MC-312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)



## EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8627-X	DOT-E 8627	Ancor Services, Inc., Kilgore, TX	49 CFR 173.119, 173.245, 178.253.	To authorize use of six non-DOT specification portable tanks manifolded together within a frame and securely mounted on a truck chassis, for transportation of flammable and corrosive liquids. (Mode 1.)
EE 8723-X	DOT-E 8723	Darna Incorporated, Roanoke, VA	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1 and 3.)
EE 8878-X	DOT-E 8878	Preussag Pure Metals GmbH, Langelsheim, West Germany.	49 CFR 173.245	To authorize shipment of germanium tetrachloride, corrosive liquid, n.o.s., in glass containers of less than 3 gallon capacity, surrounded by vermiculite placed in a cylindrical steel overpack, packed six to a compartmented wooden box. (Mode 1.)
EE-8937-X	DOT-E 8937	Spectrulite Consortium, Inc., Madison, IL.	49 CFR 173.178	To authorize shipment of coated magnesium granules in collapsible polyethylene-lined, woven polypropylene bags having a capacity of approximately 2000 pounds each. (Modes 1, 2, and 3.)
EE8937-X	DOT-E 8937	Spectrulite Consortium, Inc., Madison, IL.	49 CFR 173.178	To authorize Shipment of coated magnesium granules in collapsible polyethylene-line, woven polypropylene bags having a capacity of approximately 2000 pounds each. (Modes 1, 2, 3.)
EE9061-X	DOT-E 9061	Leonard Joseph Co., & Safesport Manufacturing Co., Denver, CO.	49 CFR 172.504, 173.178	To authorize shipment of small quantity of a flammable solid labeled Flammable Solid and Dangerous When Wet but without a Flammable Solid W placard on the vehicle (Modes 1 and 2.)
EE9220-x	DOT-E 9220	Custom Packaging Systems, Inc., Manistee, MI.	49 CFR 173.182, 173.217, 173.245h.	To authorize manufacture, marking and sale of non-DOT specification collapsible flexible bag, disposable bulk container, for transportation of corrosive solids and oxidizers (modes 1, 2, 3.)
EE9357-P	DOT-E 9357	Tiphook Special Equipment Rental, Inc. Bromley, Kent BR11NA England.	49 CFR 173.315, 178.245	To become a party to exemption 9357 (Modes 1, 2, 3.)
EE9387-X	DOT-E 9387	HCB States Corporation, Indianapolis, IN.	49 CFR 173.334	To authorize Transport of certain mixtures of 2,2-Dichlorovinyl Dimethyl Phosphate (DDVP) and compressed gas in packaging which are not authorized for those mixtures. (Mode 1.)
EE9388-X	DOT-E 9388	Gulf Central Storage & Terminal Company, Tulsa, OK.	49 CFR 173.314(e)	To authorize use of DOT specification tank cars which have had the amount of liquefied gas loaded into the tank measured by a metering device. (Mode 2.)
EE9388-X	DOT-E 9388	Cominco American Incorporated, Spokane, WA.	49 CFR 173.314(e)	To authorize use of DOT specification tank cars which have had the amount of liquefied gas loaded into the tank measured by a metering device. (Mode 2.)
EE9617-X	DOT-E 9617	Buckley Powder Company, Englewood, CO.	49 CFR 177.848(f), Part 107, Appendix B(1).	To authorize transport of a specially defined detonating cord on the same motor vehicle with Class A and C detonators. (Mode 1.)
EE9623-X	DOT-E 9623	Buckley Powder Company, Englewood, CO.	49 CFR 173.177.835(c)(3)	To authorize transport of a blasting agent or an oxidizer in a DOT Specification MC-306 or MC-307 cargo tank with a storage box containing class A explosives mounted directly behind the tractor cab. (Mode 1.)
EE9706-X	DOT-E 9706	Taylor-Wharton Cylinders, Harrisburg, PA.	49 CFR 173.310(h) 173.302, 173.304, 173.34(a)(1), 175.3, 178.37.	To authorize manufacture, marking and sale of non-DOT specification cylinder complying in part with the DOT-3AA specification, for transportation of certain flammable gases, nonflammable gases and poison A materials (Modes 1, 2, 3, 4.)
EE9723-X	DOT-E 9723	Triumvirate, Inc. Quincy, MA	49 CFR 177.848(b)	To authorize shipment of "lab-packs" containing cyanides and cyanide mixtures with "lab-packs" containing acids and corrosive liquids in the same transport vehicle. (Mode 1.)
EE9750-X	DOT-E 9750	LaRoche Industries Inc. Atlanta, GA.	49 CFR 154(a)(18)	To authorize transport of ammonium nitrate solution containing not less than 13% water in DOT specification MC-307 insulated cargo tank or a DOT Specification MC-311 Insulated cargo tank. (Mode 1.)
EE9841-X	DOT-E 9841	Liquid and Gas Transport BV, Rotterdam-Botlek, Holland.	49 CFR 173.315, 178.245-1(b)	To authorize shipment of flammable gases, non-flammable gases and flammable liquids in a non-DOT specification IMO Type 5 portable tank. (Modes 1, 2, 3.)
EE9841-P	DOT-E 9841	Stolt Tank Container, Inc., Monrovia, Liberia.	49 CFR 173.315, 178.245-1(b)	To become a party to exemption 9841 (Modes 1, 2, 3.)
EE9886-X	DOT-E 9886	Clayton Mark Inc., Rogers, AR	49 CFR 173.306 part 172, subpart D, E.	To authorize manufacture, marking and sale of non-DOT specification steel water pump system tank with an outside diameter not exceeding 28 inches and a precharge of compressed air or nitrogen not exceeding 42 psig. (Modes 1, 2, 3.)
EE 9886-X	DOT-E 9886	Clayton Mark Inc., Rogers, AR	49 CFR 173.306, part 172, subpart D, E.	To authorize manufacture, marking and sale of non-DOT specification steel water pump system tank with an outside diameter not exceeding 28 inches and a precharge of compressed air or nitrogen not exceeding 42 psig. (Modes 1, 2, 3.)
EE 9902-X	DOT-E 9902	Purusar Corp., Sunnyvale, CA	49 CFR 173.273	To authorize use of a DOT Specification 3AA cylinder having a capacity greater than one (1) gallon for the transportation of sulfur trioxide, unstabilized. (Mode 1.)



## EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 9916-X	DOT-E 9916	Petrolite Corporation, St. Louis, MO.	49 CFR 173.124(a)(6)(i), (iii), (vii)	To authorize shipment of ethylene oxide in 4, 760 gallon DOT Specification 51 portable tanks with safety relief valves set at 145 psig and a vacuum/perlite insulation system. (Modes 1, 2, 3.)
EE 9926-X	DOT-E 9926	Implementos Agrícolas LaLa, N.A., Durango, Mexico.	49 CFR 173.302(a)(1), 173.304(a)(1), 173.304(a)(2), 175.3, 178.65-2, 178.65-5.	To authorize manufacture, marking and sale of nonrefillable, no-DOT specification cylinders designed and manufactured in accordance with DOT-39 specification, except for material of construction. (Modes 1, 2, 3, 4.)
EE 9941-X	DOT-E 9941	McDonnell Douglas, Huntington Beach, CA.	49 CFR 173.88(e)(2)(ii), 173.92(a)(i), 173.92(b).	To authorize transport of rocket motors in a propulsive state with igniters installed. (Mode 1.)
EE 9941-X	DOT-E 9941	Thiokol Corporation—Huntsville Division, Huntsville, AL.	49 CFR 173.88(e)(2)(ii), 173.92(a)(i), 173.92(b).	To authorize transport of rocket motors in a propulsive state with igniters installed. (Mode 1.)
EE 10180-X	DOT-E 10180	Convenience Marine Products, Inc., Grand Rapids, MI.	49 CFR 173.304(a)(2), 173.34(d)	To manufacture, mark and sell cylinders similar to DOT Specification 39 without a relief device to be used as a fire extinguisher charged with a nonflammable liquefied compressed gas. (Mode 1.)
EE 10301-X	DOT-E 10301	Fred Hutchinson Cancer Research Center, Seattle, WA.	49 CFR Parts 100 through 199	To authorize shipment of liquid nitrogen contained in an insulated plastic container to be transported in the cabin of a passenger-carrying aircraft under special conditions, except from part of 49 CFR. (Mode 5.)
EE 10354-X	DOT-E 10354	BASF Corporation, Parsippany, NJ.	49 CFR 179.200-18(b)	To authorize shipment of hydrochloric acid in DOT Specification 111A100W5 tank car tanks equipped with an orifice plate in line with the safety relief device. (Mode 2.)
EE 10354-X	DOT-E 10354	BASF Corporation, Parsippany, NJ.	49 CFR 179.200-18(b)	To authorize shipment of hydrochloric acid in DOT Specification 111A100W5 tank car tanks equipped with an orifice plate in line with the safety relief device. (Mode 2.)
EE 10369-X	DOT-E 10369	Adco Chemical Company, Newark, NJ.	49 CFR 179.24(a)(2), 173.510(a)(5).	To authorize a one-time shipment of hazardous substance, solid, n.o.s. in a DOT Specification 111A100W1 tank car tank with a defective tank shell. (Mode 2.)
EE 10375-N	DOT-E 10375	Softam, Ltd., Haifa, Israel	49 CFR 172.101 table column 6(b), 175.30.	To authorize transport of ammunition for cannon with explosive projectile and ammunition for cannon with inert projectile aboard cargo aircraft. (Mode 4.)
EE 10376-N	DOT-E 10376	Minnesota Commercial Railway Company, Chicago, IL.	49 CFR 174.67(j)	To authorize DOT Specification 105A500W tank car tanks loaded with carbon dioxide, refrigerated liquid, to remain standing with unloading connections attached. (Mode 2.)
EE 10376-N	DOT-E 10376	Minnesota Commercial Railway Company, Chicago, IL.	49 CFR 174.67(j)	To authorize DOT Specification 105A500W tank car tanks loaded with carbon dioxide, refrigerated liquid, to remain standing with unloading connections attached. (Mode 2.)
EE 10377-N	DOT-E 10377	LCP Chemicals, Lockport, NY	49 CFR 173.29(c)(2), 179.102-2	To authorize transport of a DOT Specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine residue. (Mode 2.)
EE 10378-N	DOT-E 10378	Ermen Corporation Inc., Kansas City, KS.	49 CFR 172.203(c), part 107, Appendix B to subpart B, part 172, subparts D, E, F.	To authorize the one-time-only transport of a shipment of radioactive contaminated scrap steel contained in a gondola type rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper. (Mode 2.)
EE 10379-N	DOT-E 10379	Occidental Chemical Corporation, Pasadena, TX.	49 CFR 179.102-2, part 172, subparts D, E, F 173.31(b).	To authorize transportation of a DOT Specification 105A500W tank car tank with a defective safety relief valve, equipped with a chlorine "C" kit for the transportation of chlorine. (Mode 2.)
EE 10397-N	DOT-E 10397	Occidental Chemical Corporation	49 CFR 173.31a, 179.14	To authorize a one-time shipment of vinyl chloride in a DOT Specification 105J300W tank car tank with the double shell coupler and draft gear on the "A" end, completely detached from the car. (Mode 2.)
EE 10398-N	DOT-E 10398	Allied Signal, Incorporated, Morristown, NJ.	49 CFR 173.29(c)(2), 179.100-15	To authorize transport of a DOT Specification 112S400W tank car tank with a defective safety relief valve for the transportation of a residue of hydrogen fluoride. (Mode 2.)
EE 10399-N	DOT-E 10399	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.22(a), 174.3, 175.3, 176.3, 177.801.	To authorize shipment of an explosive item classified and marked as Rocket Ammunition with Smoke Projectile, Class B explosive, and packed in accordance with 173.90. (Modes 1 and 4.)
EE 10401-N	DOT-E 10401	United Technologies Corporation, San Diego, CA.	49 CFR 173.113	To authorize transport of a detonating fuze in a packaging which exceeds the 190 pound gross weight limitation in 49 CFR 173.113. (Mode 1.)
EE 10401-X	DOT-E 10401	United Technologies Corporation—Advanced Systems, San Diego, CA.	49 CFR 173.113	To authorize transport of a detonating fuze in a packaging which exceeds the 190 pound gross weight limitation in 49 CFR 173.113. (Mode 1.)
EE 10402-N	DOT-E 10402	Astrotech Space Operations, L.P., Silver Spring, MD.	49 CFR 173.336	To authorize shipment of a non-DOT specification Molecular Sieve Column assembly containing a nitrogen tetroxide mixture overpacked in a non-DOT specification plywood box. (Mode 1.)



## EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 10402-X	DOT-E 10402	Astrotech Space Operations, L.P., Silver Spring, MD.	49 CFR 173.336	To authorize shipment of a non-DOT specification Molecular Sieve Column assembly containing a nitrogen tetroxide mixture overpacked in a non-DOT specification plywood box. (Mode 1.)
EE 10403-N	DOT-E 10403	U.S. Department of Defense, Falls Church, VA.	49 CFR 172.101, 175.3	To authorize transport by cargo only aircraft of Class A explosives which are forbidden in 172.101. (Mode 4.)
EE 10404-N	DOT-E 10404	Merck & Company, Inc., Rahway, NJ.	49 CFR 173.314(c)	To authorize shipment of a DOT Specification 105A600W tank car filled with hydrogen chloride, refrigerated liquid less than the required minimum permitted filling density. (Mode 2.)
EE 10422-N	DOT-E 10422	Shapiro Brothers of Illinois, Incorporated, Mt. Vernon, IL.	49 CFR 172.203(d), part 172, subparts D, F, part 173, subpart L	To authorize transport of radioactive contaminated scrap steel within a gondola rail car. (Mode 2.)
EE 10423-N	DOT-E 10423	Ferrellgas, Inc., Liberty, MO	49 CFR 173.315(j)(4)	To authorize a one-time shipment of ASME Code "U" stamped storage containers charges with liquefied petroleum gas to over 5 percent of their water capacity. (Mode 1.)
EE 10424-N	DOT-E 10424	Pennsylvania Engineering Company, Philadelphia, PA.	49 CFR 173.34(e)(9), (e)(10)	To authorize shipment of a specific gas mixture in DOT Specification 4BA240 cylinders retested in accordance with the provisions of 49 CFR 173.34(e)(9) and (e)(10). (Mode 1.)
EE 10425-N	DOT-E 10425	Chapman Chemical Company, Memphis, TN.	49 CFR 173.245	To authorize use of a non-DOT specification combination packaging equivalent to the DOT Specification 12P/2U combination packaging for shipment of a certain corrosive liquid. (Mode 1.)
EE 10426-N	DOT-AE 10426	Matrix Construction, Inc., Anchorage, AK.	49 FR 172.101 Table, column 6, 175.30.	To authorize shipment of liquefied petroleum gas in DOT Specification 51 portable tanks exceeding the weight limitations authorized for shipment by cargo aircraft. (Mode 4.)
EE 10427-N	DOT-E 10427	Astrotech Space Operations, L.P., Silver Spring, MD.	49 CFR 177.834(h), paragraph (1) of Appendix B to subpart B, part 107, part 173, subparts D and F.	To authorize shipment of several types of "Flight-ready" spacecraft each containing one or more hazardous materials in specially designed non-DOT specification transport containers. (Mode 1.)
EE 10428-N	DOT-E 10428	Astrotech Space Operations, L.P., Silver Spring, MD.	49 CFR 173.145, 173.276, 173.336.	To authorize shipment of propellant transfer carts each containing a hazardous material in specially designed non-DOT specification ground support transport containers. (Mode 1.)
EE 10429-X	DOT-E 10429	Naico Chemical Company, Naperville, IL.	49 CFR 177.834(h), part 107 appendix B(1), part 173 subparts D and F.	To reissue exemption originally issued on an emergency basis to authorize shipment of flammable liquids, organic peroxide and corrosive materials in DOT specification 57 portable tanks to be unloaded without being removed from the vehicle. (Mode 1.)
EE 10435-N	DOT-E 10435	Enviro-Vac, Inc., Houston, TX.	49 CFR 173.119(a), (m), 173.245, 173.346(a), 178.340-7, 178.343-5.	To authorize manufacture, marking and sale of certain non-DOT specification cargo tanks, for transportation of flammable liquids, corrosive material or poison B materials. (Mode 1.)
EE 10436-N	DOT-E 10436	Sandoz Chemicals Corp., Charlotte, NC.	49 CFR 49 CFR 173.365	To authorize use of insulated DOT Specification MC-307 cargo tanks, for shipment of a certain Class B poison. (Mode 1.)
EE 10444-N	DOT-E 10444	Vulcan Chemicals, Birmingham, AL.	49 CFR 173.298(c)(2), 179.102-2	To authorize transport of a DOT Specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine residue. (Mode 2.)
EE 10445-N	DOT-E 10445	Dow Chemical U.S.A., Freeport, TX.	49 FR 173.29(c)(2), 179.102-2	To authorize transport of a DOT Specification 105A500 tank car tank with a defective safety relief valve for the transportation of sulfur dioxide residue (Mode 2.)
EE 10446-N	DOT-E 10446	Vulcan Chemicals, Birmingham, AL.	49 CFR 173.29(c)(2), 179-100-13.	To authorize transport of a DOT Specification 105A500W tank car tank with defective vapor valves for the transportation of chlorine residue. (Mode 2.)
EE 10448-N	DOT-E 10448	Sultanate of Oman	49 CFR 172.101 table, column 6b, 175.30.	To authorize shipment of rocket ammunition with explosive projectile, Class A explosive, which are forbidden for transportation by air. (Mode 4.)
EE 10449-N	DOT-E 10449	Natural Gas Company of Texas, Austin, TX.	49 CFR 173.301(d)(2), 173.302(a)(3).	To authorize use of DOT Specification 3AA cylinders for compressed natural gases. (Mode 1.)
EE 10449-X	DOT-E 10449	Tren-Fuels, Inc., Austin, TX.	49 CFR 173.301(d)(2), 173.302(a)(3).	To authorize use of DOT Specification 3AA cylinders for compressed natural gases. (Mode 1.)
EE 10450-N	DOT-E 10450	British Aerospace PLC, Stevenage Herts, United Kingdom.	49 CFR 172.101	To authorize transport of certain Class A and B explosives in cargo aircraft. (Mode 4.)
EE 10453-N	DOT-E 10453	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.300(i)	To authorize a change in the definition of dispersant and refrigerant gases. (Modes 1 and 2.)
EAE 10454-N	DOT-E 10454	M. Burstein & Co., Inc., Chelsea, MA.	49 CFR 172.203(d), part 107, Appendix B to subpart B, paragraph (1), part 172, subparts D, E, F.	To authorize one-time-only transport of a shipment of aluminum scrap, contaminated with a small amount of radioactive material, contained in a closed trailer van without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 1.)
EE 10467-N	DOT-E 10467	ACF, Industries, Incorporated	49 CFR 173.31(b)(1), 173.31(b)(3)	To authorize transport of a DOT Specification 105A500W tank car tank with a defective vapor valve for the transportation of chlorine.



## EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
FE 10467-X	DOT-E 10467	ACF, Industries Incorporated	49 CFR 173.31(b)(1), 173.31(b)(3)	To authorize transport of a DOT Specification 105A500W tank car tank with a defective vapor valve for the transportation of chlorine.
EE 10468-N	DOT-E 10468	Clawson Tank Company, Clark-son, MI.	49 CFR part 173, subparts D and F.	To authorize the use of a non-DOT Specification rotationally molded, linear low density high density, or linear medium density polyethylene portable tank, enclosed with a protective wire frame for the shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1 and 2.)
EE 10474-N	DOT-E 10474	Occidental Chemical Corporation, Tacoma, WA.	49 CFR 173.31(a), 179.102-2	To authorize transport of a DOT Specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine. (Mode 2.)
EE 10482-N	DOT-E 10482	U.S. Department of Energy, Washington, DC.	49 CFR 173.51, 173.65, part 107, Appendix B(1), part 172, subparts D, E.	To authorize one-time shipment of aged picric acid and diethyl ether in a specially designed bomb basket and trailer. (Mode 1.)
EE 10489-N	DOT-E 10489	U.S. Department of Defense, Washington, DC.	49 CFR 172.101	To authorize the transportation of ammunition for cannon with smoke projectile as a Class B explosive. (Modes 1, 2, 3, and 4.)
EE 10491-N	DOT-E 10491	Occidental Chemical Corporation, Pasadena, TX.	49 CFR 173.31(a) 179.102-2	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine. (Mode 2.)
EE 10493-N	DOT-E 10493	Korean Air Lines Company, Los Angeles, CA.	49 CFR 173.101 table, column (6)(b), 175.30.	To authorize the shipment of explosives which are forbidden for transportation by air or are in quantities greater than those prescribed for air transportation. (Mode 4.)
EE 10494-N	DOT-E 10494	Atochem North America, Tacoma, WA.	49 CFR 173.29(c)(2), 179.102-2	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine residue. (Mode 2.)
EE 10496-N	DOT-E 10496	Olin Corporation, Stamford, CT	49 CFR 173.29(c)(2), 179.102-2	To authorize transportation of a DOT Specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine residue. (Mode 2.)
EE 10497-N	DOT-E 10497	General Electric Company, Astro Space Division, Princeton, NJ.	49 CFR 173.336, 177.834	To authorize shipment of nitrogen tetroxide in non-DOT specification stainless steel tanks. (Modes 1 and 3.)
EE 10498-N	DOT-E 10498	El Dorado Chemical Company, St. Louis, MO.	49 CFR 179.3, 179.4	To authorize shipment of nitric acid (98%) in DOT Specification 111A60ALW2 and 103A-ALW tank car tanks equipped with a nonapproved valve arrangement. (Mode 2.)
EE 10499-N	DOT-E 10499	General Electric Company (GE Nuclear Energy), San Jose, CA.	49 CFR 174.87(a)(1), 174.89	To authorize placement of an occupied caboose carrying passengers next to the IF-300 cask car, placarded "RADIOACTIVE". (Mode 2.)
EE 10505-N	DOT-E 10505	Consolidated Rail Corporation, Philadelphia, PA.	49 CFR 173.29(c)(2), 179.105-5, 179.14.	To authorize a one-time shipment of vinyl chloride residue in a DOT Specification 112T340W tank car tank with the head shield, double shelf coupler and draft gear on the "A" end completely detached from the car. (Mode 2.)
EE 10506-N	DOT-E 10506	Olin Chemicals, Brandenburg, KY	49 CFR 173.29(c)(2), 179-105-5, 179.105-4, 179.14.	To authorize a one-time shipment of liquefied petroleum gas residue in three DOT Specification 112J340W tank car tanks with derailment-damaged coupler restraint systems, thermal protection systems, and tank head puncture resistance systems. (Mode 2.)

## Withdrawal Exemptions

Application number	Applicant	Regulation(s) affected	Nature of exemption thereof
6349-X	Union Carbide Industrial, Gases Inc., Danbury, CT.	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification insulated, containerized portable tanks, for shipment of certain flammable and nonflammable gases. (Modes 1, 2, 3.)
6810-P	Henderson Limited, Inc., Richardson, TX.	49 CFR 173.202(a)(1)	To become a party to exemption 6810 (Mode 1.)
6960-X	Pepsi-Cola Company, Somers, NY	49 CFR Parts 100-199	To authorize use of DOT Specification and non-DOT specification stainless steel drums, tight-head, with rated capacity not exceeding 55 gallons, for transportation of certain corrosive liquids. (Modes 1, 2, 3.)
7526-X	Sherex Chemical Company, Inc., Dublin, OH.	49 CFR 173.134	To authorize transport of certain pyrophoric liquids in non-DOT specification portable tanks. (Modes 1 and 3.)
8126-X	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.123, 173.315, 174.63(b).	To authorize use of non-DOT specification portable tanks, for transportation of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid. (Modes 1, 2, 3.)
8509-X	Mobay Corporation, Pittsburgh, PA	49 CFR 173.263(a)(9), 179.201-1	To authorize use of a safety relief valve in lieu of a safety vent in DOT Specification 111A100W5 tank car tanks, for transportation of hydrochloric acid. (Mode 2.)



## Withdrawal Exemptions—Continued

Application number	Applicant	Regulation(s) affected	Nature of exemption thereof
8518-X.....	Coast Vacuum Truck, Service, Inc., Santa Maria, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 173.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
9245-X.....	Contico Container, Norwalk, CA.....	49 CFR 178.19, Part 173, Subpart D, F.	To authorize manufacture, marking and sale of non-DOT specification removable head molded polyethylene containers without overpack, for transportation of corrosive and flammable liquids. (Modes 1, 2, 3.)
9407-N.....	Eastman Kodak Company, Rochester, NY.	49 CFR 173.204(d).....	To authorize use of shipping papers bearing a preprinted shippers certificate. (Modes 1, 2, 3, 4, 5.)
10123-N.....	Swiss Aluminum Ltd., Zurich, Switzerland.	49 CFR 173.302, 173.304, 173.305, 175.3, 178.46.	To manufacture, mark, and sell a non-DOT specification FRP cylinder similar to the DOT specification 3AL cylinder for shipment of flammable and non-flammable gases. (Modes 1.)
10167-N.....	FIBA Compressed Gas Equipment, Westboro, MA.	49 CFR 173.302, 173.304, 173.305, 173.306, 173.34(h).	To authorize repair of DOT Specifications 3A, 3AA, 3B and 3C cylinders by allowing peening off and on of collar/neckings and replacement of footings by removal with a air driven abrasive blade leaving the existing tab and stick welding on new footing to tab. (Mode 1.)
10240-N.....	Ethyl Corporation, Baton Rouge, LA ..	49 CFR 173.252(a)(4)(ii).....	To authorize shipment of bromine, classed as a corrosive material in MC-312 cargo tanks constructed of nickel clad steel of 3/16-inch total thickness. (Mode 1.)
10276-N.....	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 173.252(a)(4).....	To authorize shipment of bromine, classed as a corrosive material in DOT Specification MC-310 or MC-312 cargo tanks with a polyvinylidene fluoride lining. (Mode 1.)

## Denials

- 8308-X..... Request by Caspersen, Inc. Glen-coe, IL to authorize carriage of non-fissile radioactive materials packages via motor vehicles when their combined transport index exceeds 50 and/or the separation distance criteria cannot be met denied October 3, 1990.
- 9144-X..... Request by Cajun Bag & Supply Company, Crowley, LA to renew and to authorize cargo vessel as additional mode of transportation denied November 18, 1990.
- 10044-N... Request by Portersville Sales and Testing, Inc., Portersville, PA to authorize DOT specification 3AAX and 3T cylinder to be periodically retested by acoustic emission equipment instead of hydrostatic retest and to allow latitude in external inspection and other deviations related to acoustic emission testing denied July 12, 1990.
- 10248-N... Request by Milan Box Corporation, Milan, TN to authorize manufacture, marking and sale of non-DOT specification plywood pallet boxes with a fitted 2 ply, 4 mil polyethylene inner bag for use in transporting flammable liquids and ORM materials denied November 7, 1990.

## Denials—Continued

- 10264-N... Request by Reagent Chemical & Research, Inc., Port Neches, TX to authorize use of lead frangible discs on nonpressure tank cars to be used in transporting aqueous hydrochloric acid, classed as corrosive materials denied May 31, 1990.
- 10271-N... Request by McOCO, Inc., Houston, TX to authorize transport of certain class A, B, and C explosives by cargo air which are forbidden for shipment by air or exceed authorized quantity limitation prescribed for air shipment denied October 30, 1990.
- 10275-N... Request by Degussa Corporation, Ridgefield Park, NJ to authorize hydrogen peroxide solution not exceeding 52 percent contained in DOT specification 57 portable tanks to be offered for shipment with other materials in the same truck by common carriers and/or private carriers denied July 12, 1990.
- 10290-N... Request by Crown Sheetmetal LTD. Invercargill, New Zealand, to authorize manufacture, marking and sale of a non-DOT specification stainless steel cylinder similar to the DOT specification 4BW cylinder for shipment of liquified petroleum gas classed as flammable gas denied October 30, 1990.

## Denials—Continued

- 10339-N... Request by Cryogenic Services, Inc., Canton, GA to authorize the manufacture, mark and sell non-DOT specification cylinder comparable to DOT specification 4BW, except they are constructed of 304 stainless steel, for shipment of liquified petroleum gas denied November 18, 1990.
- 10420-N... Request for Fore Way Express, Inc., Wausau, WI to authorize the transportation of material classed as flammable liquids, solids or gases in enclosed trailers with installed nose mounted heater and thermostat exposed inside the trailer denied September 21, 1990.
- 10447-N... Request by Nuclear Assurance Corporation, Norcross, GA to authorize transport of irradiated reactor fuel over a route not permitted 49 CFR 177.825(b) denied August 31, 1990.

Issued in Washington, DC, on December 12, 1990.

J. Suzanne Hedgepeth,  
Chief, Exemptions Branch, Office of  
Hazardous Materials, Exemptions and  
Approvals.

[FR Doc. 91-6826 Filed 3-26-91; 8:45 am]

BILLING CODE 4910-60-M



# Urban Mass Transportation Administration

## MTA Sections 3 and 9 Grant Obligations

**AGENCY:** Urban Mass Transportation Administration (UMTA), DOT.

**ACTION:** Notice.

**SUMMARY:** The Department of Transportation and Related Agencies Appropriations Act, 1991, Public Law 101-516, signed into law by President George Bush on November 5, 1990, contained a provision requiring the Urban Mass Transportation Administration to publish an

announcement in the Federal Register every 30 days of grants obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

**FOR FURTHER INFORMATION CONTACT:** Janet Lynn Sahaj, Chief, Resource Management Division, Office of Capital and Formula Assistance, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 Seventh Street

SW., room 9301, Washington, DC 20590, (202) 366-2053.

**SUPPLEMENTARY INFORMATION:** The section 3 program was established by the Urban Mass Transportation Act of 1964 to provide capital assistance to eligible recipients in urban areas. Funding for this program is distributed on a discretionary basis. The section 9 formula program was established by the Surface Transportation Assistance Act of 1982. Funds appropriated to this program are allocated on a formula basis to provide capital and operating assistance in urbanized areas. Pursuant to the statute UMTA reports the following grant information:

### SECTION 3 GRANTS

Transit property	Grant number	Grant amount	Obligation date
Niagara Frontier Transportation Authority, Buffalo, N.Y.	NY-03-0236-02	\$5,626,254	3/14/91

### SECTION 9 GRANTS

Transit property	Grant number	Grant amount	Obligation date
City of Boise—Boise Urban Stages, Boise, ID.	ID-90-X021-00	\$851,785	2/11/91
Massachusetts Bay Transportation Authority, Boston, MA.	MA-90-X112-00	50,682,603	2/02/91
Kansas City Area Transportation Authority, Kansas City, MO.—KS.	MO-90-X075-00	6,684,971	2/14/91

Issued on: March 20, 1991.

Brian W. Clymer,  
Administrator.

[FR Doc. 91-7180 Filed 3-26-91; 8:45 am]

BILLING CODE 4910-57-M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

Date: March 19, 1991.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB number: New

Form number: None

Type of review: New Collection

Title: ADEPT (Automated Deposit of Electronic Payment of Taxes) Participant Data Sheet

Description: IRS will use this survey to collect data and to analyze public acceptance and attitudes on using electronic fund transfers (including credit card advances and/or payments) to satisfy personal income tax liabilities.

Respondents: Businesses or other for-profit

Estimated number of respondents: 25

Estimated burden hours per response: 1 hour

Frequency of response: One-time survey

Estimated total reporting burden: 25 hours

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive

Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.  
[FR Doc. 91-7211 Filed 3-26-91; 8:45 am]

BILLING CODE 4830-01-M

### Public Information Collection Requirements Submitted to OMB for Review

Date: March 19, 1991.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Comptroller of the Currency

OMB number: 1557-0081



*Form number:* FFIEC 031-034

*Type of review:* Revision

*Title:* (MA)—Reports of Condition and Income (Interagency Call Report)

*Description:* Reports are filed pursuant to 12 U.S.C. 161, 164, and 1823(j). Data are used to monitor the financial condition and earnings performance of individual banks as well as the entire banking industry. Data are also used for research, program planning, and OCC publications.

*Respondents:* Businesses or other for-profit, Small businesses or organizations

*Estimated number of respondents:* 4,100

*Estimated burden hours per response:* 34 hours, 6 minutes

*Frequency of response:* Quarterly

*Estimated total reporting burden:* 558,485 hours

*Clearance officer:* John Ference (202) 447-1177, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219.

*OMB reviewer:* Gary Waxman (202) 395-7340, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 91-7212 Filed 3-26-91; 8:45 am]

**BILLING CODE 4810-33-M**

#### **Public Information Collection Requirements Submitted to OMB for Review**

Date: March 20, 1991.

The Department of the Treasury has submitted for following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department

Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### **Comptroller of the Currency**

*OMB number:* 1557-0182

*Form number:* None

*Type of review:* Reinstatement

*Title:* (MA)—Disclosure of Financial and Other Information by National Banks

*Description:* Each national bank must prepare and provide to requestors an annual disclosure statement. The annual disclosure statement may include an optional narrative. The public can use this information in deciding where to place its funds. The disclosure enhances the safety and soundness of the national banking system.

*Respondents:* Businesses or other for-profit

*Estimated number of respondents:* 4,100

*Estimated burden hours per response:* 30 minutes

*Frequency of response:* Annually

*Estimated total reporting burden:* 2,050 hours

*Clearance officer:* John Ference (202) 447-1177, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219.

*OMB reviewer:* Gary Waxman (202) 395-7340, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 91-7213 Filed 3-26-91; 8:45 am]

**BILLING CODE 4810-33-M**

#### **Public Information Collection Requirements Submitted to OMB for Review**

Date: March 20, 1991.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980,

Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### **U.S. Customs Service**

*OMB number:* 1515-0079.

*Form number:* CF 4790.

*Type of review:* Reinstatement.

*Title:* Report of International Transportation of Currency or Monetary Instruments.

*Description:* The CF 4790 establishes a record, where none previously existed, of currency and negotiable instruments entering and leaving the United States, and has a high degree of usefulness in criminal, tax and regulatory investigations and proceedings.

*Respondents:* Individuals or households, Businesses or other for-profit, Small businesses or organizations.

*Estimated number of respondents:* 178,943.

*Estimated burden hours per response:* 10 minutes.

*Frequency of response:* On occasion.

*Estimated total reporting burden:* 29,830 hours.

*Clearance officer:* Ralph Meyer (202) 343-0044, U.S. Customs Service, Paperwork Management Branch, room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.

*OMB reviewer:* Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports, Management Officer.*

[FR Doc. 91-7214 Filed 3-26-91; 8:45 am]

**BILLING CODE 4820-02-M**



# Sunshine Act Meetings

Federal Register

Vol. 56, No. 59

Wednesday, March 27, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission Notice

(March 20, 1991)

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-49), U.S.C. 552B:

**DATE AND TIME:** March 27, 1991, 10:00 a.m.

**PLACE:** 825 North Capitol Street NE, Room 9306, Washington, DC 20426.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Agenda.

\*Note.—Items listed on the agenda may be deleted without further notice.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Lois D. Cashell, Secretary, Telephone (202) 208-0400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

**Consent Agenda—Hydro, 934th Meeting—March 27, 1991, Regular Meeting (10:00 a.m.)**

CAH-1.

Docket No. UL87-16-007 and UL87-17-007, Niagara Mohawk Power Corporation

CAH-2.

Project No. 3188-005, Joseph M. Keating

CAH-3.

Project No. 10968-001, Inter-West, Ltd.

CAH-4.

Project No. 6310-004, Gull Industries, Inc.

CAH-5.

Project No. 4669-018, Rancho Riata Hydro Partners, Inc.

CAH-6.

Project No. 3574-002, Continental Hydro Corporation

CAH-7.

Docket No. EL88-24-000, Saco River Salmon Club

#### Consent Agenda—Electric

CAE-1.

Docket No. ER91-124-000, Missouri Public Service Company

CAE-2.

Docket No. ER91-235-000, New England Power Company

CAE-3.

Docket No. EL90-40-000, Gulf Power Company

CAE-4.

Docket No. EF90-3011-000, Southeastern Power Administration

CAE-5.

Docket No. ER91-150-001, Southern Company Services, Inc.

CAE-6.

Docket Nos. ER91-143-001 and EL91-15-001, Public Service Company of New Hampshire

CAE-7.

Docket No. ER91-149-001, Boston Edison Company

CAE-8.

Docket No. QF91-6-001, Georgetown Cogeneration, L.P.

CAE-9.

Omitted

CAE-10.

Docket No. EL89-16-000, Delmarva Power & Light Company

CAE-11.

Omitted

CAE-12.

Docket No. EL91-6-000, Public Service Company of New Hampshire v. New Hampshire Electric Cooperative, Inc.

CAE-13.

Docket No. EL91-5-000, Houlton Water Company, Van Buren Light and Power District, and Eastern Maine Electric Cooperative, Inc. v. Maine Public Service Company

CAE-14.

Docket Nos. E-7777-000 and 001 (Phase II), Pacific Gas and Electric Company Project Nos. 2735-001, 1988-003 and 233-006, Pacific Gas and Electric Company

CAE-15.

Docket No. ER90-348-000, Southern California Edison Company

#### Consent Agenda—Oil and Gas

CAG-1.

Docket No. RP91-113-000, Panhandle Eastern Pipe Line Company

CAG-2.

Docket No. RP91-112-000, Texas Eastern Transmission Corporation

CAG-3.

Docket Nos. RP91-110-000 and 001, Great Lakes Gas Transmission Company

CAG-4.

Docket No. RP91-91-000, Northern Border Pipeline Company

CAG-5.

Docket No. RP91-83-000, United Gas Pipe Line Company

CAG-6.

Docket No. RP88-262-012, Panhandle Eastern Pipeline Company

CAG-7.

Docket No. RP88-68-033, Transcontinental Gas Pipe Line Corporation

CAG-8.

Omitted

CAG-9.

Docket Nos. RP90-139-006 and 007, Southern Natural Gas Company

CAG-10.

Docket No. RP91-68-002, Penn-York Energy Corporation

CAG-11.

Docket No. RP91-103-000, Alabama-Tennessee Natural Gas Company

CAG-12.

Docket Nos. RP91-100-000, RP91-101-000 and RP91-102-000, Texas Gas Transmission Corporation

CAG-13.

Docket Nos. RP91-104-000 and RP91-106-000, Transwestern Pipeline Company

CAG-14.

Docket No. RP91-107-000, Williams Natural Gas Company

CAG-15.

Docket No. RP91-98-000, CNC Transmission Corporation

CAG-16.

Docket Nos. RP91-108-000 and TM91-7-37-000, Northwest Pipeline Corporation

CAG-17.

Docket No. RP91-111-000, North Penn Gas Company

CAG-18.

Docket Nos. TA91-1-31-000, and 001 and 002, Arkla Energy Resources, a division of Arkla, Inc.

CAG-19.

Docket Nos. TA91-1-5-000 and 001, Midwestern Gas Transmission Company

CAG-20.

Docket Nos. TA91-1-37-000, 001, and 002, Northwest Pipeline Corporation

CAG-21.

Docket No. TA91-1-7-000, Southern Natural Gas Company

CAG-22.

Docket No. TM91-6-37-000, Northwest Pipeline Corporation

CAG-23.

Docket No. TM91-4-33-000, El Paso Natural Gas Company

CAG-24.

Omitted

CAG-25.

Docket No. TQ91-6-63-000, Carnegie Natural Gas Company

CAG-26.

Docket Nos. RP91-40-000 and 001, Northern Natural Gas Company

CAG-27.

Docket No. RP91-63-001, South Georgia Natural Gas Company

CAG-28.

Docket No. RP91-63-002, South Georgia Natural Gas Company

CAG-29.

Docket Nos. RP91-69-001 and RP90-139-008, Southern Natural Gas Company

CAG-30.

Docket No. RP91-68-003, Penn-York Energy Corporation

CAG-31.

Docket No. RP91-61-001, Texas Gas Transmission Corporation

CAG-32.



- Docket No. RP91-65-001, Arkla Energy Resources, a division of Arkla, Inc.  
 CAG-33.  
 Docket Nos. TA91-1-17-002 and TM91-1-17-001, Texas Eastern Transmission Corporation  
 CAG-34.  
 Docket No. RM91-2-005, Mechanisms for Passthrough of Pipeline Take-or-Pay Buyout and Buydown Costs  
 Docket Nos. TA88-2-25-007, RP88-146-005, TA88-3-25-006, RP89-12-008, RP89-13-005, RP89-158-004, TQ89-4-25-002, TQ89-5-25-002, TQ90-1-25-004, TA90-1-25-003, TM90-5-25-002, TM90-4-25-002, TQ90-3-25-002, TM90-6-25-002, TQ90-4-25-002, TM91-2-25-002 and TQ91-2-25-002, Mississippi River Transmission Corporation  
 CAG-35.  
 Docket No. RM91-2-006, Mechanisms for Passthrough of Pipeline Take-or-Pay Buyout and Buydown Costs  
 Docket No. RP86-119-017, TA84-2-9-018 and TA85-1-6-006, Tennessee Gas Pipeline Company, a division of Tenneco, Inc.  
 CAG-36.  
 Docket No. RM91-2-000, Mechanisms for Passthrough or Pipeline Take-or-Pay Buyout and Buydown Costs  
 Docket Nos. RP89-178-000, TM90-4-32-000, TM90-5-32-000 and TM90-6-36-000, Colorado Interstate Gas Company  
 CAG-37.  
 Docket Nos. RP91-41-001 and RP91-90-000, Columbia Gas Transmission Corporation  
 CAG-38.  
 Docket Nos. RP88-67-044 and CP90-186-002, Texas Eastern Transmission Corporation  
 CAG-39.  
 Docket No. TM91-7-28-001, Panhandle Eastern Pipe Line Company  
 CAG-40.  
 Docket No. TM91-6-28-001, Panhandle Eastern Pipe Line Company  
 CAG-41.  
 Docket No. TA91-1-1-003, Alabama-Tennessee Natural Gas Company  
 CAG-42.  
 Docket No. RM87-34-065, Natural Gas Pipeline After Partial Wellhead Decontrol  
 Docket No. GP88-7-000, Transco Gas v. Challenger Minerals  
 Docket No. GP88-10-000, State of Connecticut, *et al.* v. ANR Pipe Line Company  
 Docket No. RM83-55-000, Take-or-pay Provisions in Producer Pipeline  
 Docket No. RP83-124-000, Pipeline Gas Cut-Back Procedures  
 Docket No. GP86-38-000, Texas Gas Transmission vs. Amoco Production Company  
 Docket No. GP88-29-000, Total Minatone Corporation  
 CAG-43.  
 Docket Nos. TA84-1-28-010 and TA84-2-28-006, Panhandle Eastern Pipe Line Company  
 CAG-44.  
 Docket Nos. RP90-139-005, RP89-224-003 and RP89-203-006, Southern Natural Gas Company  
 CAG-45.  
 Docket Nos. RP84-94-000, RP85-66-000, RP90-9-000 and CP90-140-000, Trailblazer Pipeline Company  
 CAG-46.  
 Docket No. PR90-11-000, Gulf States Pipeline Corporation  
 CAG-47.  
 Docket No. GP89-47-001, Sandstone Resources, Inc. v. Columbia Gas Transmission Corporation  
 CAG-48.  
 Docket No. GP89-19-000, Williams Natural Gas Company  
 CAG-49.  
 Docket No. CP90-1654-001, Tennessee Gas Pipeline Company and Transcontinental Gas Pipe Line Corporation  
 CAG-50.  
 Docket No. CI87-433-003, Texaco Gas Marketing, Inc.  
 CAG-51.  
 Omitted  
 CAG-52.  
 Docket No. CP89-886-001, Transwestern Pipeline Company  
 CAG-53.  
 Docket No. CP89-636-001, Columbia Gas Transmission Corporation  
 CAG-54.  
 Docket Nos. CP90-1864-000 and 001, Cornerstone Pipeline Company  
 CAG-55.  
 Docket Nos. CP87-115-001, RP88-228-000, RP88-249-000, RP89-4-000, 001, RP89-29-000, RP89-84-000, RP89-149-000 and RP87-26-000, Tennessee Gas Pipeline Company  
 CAG-56.  
 Docket No. CP91-1393-000, Alabama-Tennessee Gas Company  
 CAG-57.  
 Docket Nos. CP91-1476-000 and CP91-1477-000, Trunkline Gas Company  
 CAG-58.  
 Docket No. CP91-1278-000, Pittsburgh Corning Corporation  
 CAG-59.  
 Docket Nos. CP91-1380-000, CP91-1381-000, CP91-1382-000, CP91-1383-000 and CP91-1384-000, U-T Offshore System  
 CAG-60.  
 Docket Nos. CP91-1498-000 and CP91-1499-000, Colorado Interstate Gas Company  
 CAG-61.  
 Docket No. CP90-2351-000, Questar Pipeline Company (formerly Mountain Fuel Supply Company)  
 CAG-62.  
 Docket No. CP87-552-000, United Gas Pipe Line Company  
 CAG-63.  
 Docket Nos. CP89-362-001, 002, CP89-363-001, and 002, North Country Gas Pipeline Corporation  
 CAG-64.  
 Docket No. CP90-1513-000, Columbia Gas Transmission Corporation  
 CAG-65.  
 Docket No. CP90-140-000, Trailblazer Pipeline Company  
 CAG-66.  
 Docket No. CI85-673-008, LaSER Marketing Company  
 Docket No. CI86-27-009, Transco Energy Marketing Company  
 Docket No. CI86-168-008, Tenngasco Corporation, Tenngasco Exchange Corporation and Tenngasco Marketing Corporation  
 Docket Nos. CI86-377-005 and CI86-378-005, Arkla Energy Marketing Company  
 Docket No. CI86-419-005, ANR Pipeline Company  
 Docket No. CI86-503-005, Sonat Marketing Company  
 Docket No. CI87-223-005, OXY USA, Inc.  
 Docket No. CI87-307-005, Midcon Marketing Corporation  
 Docket No. CI87-433-004, Texaco Gas Marketing Inc.  
 Docket No. CI87-547-009, Enron Gas Marketing, Inc.  
 Docket No. CI87-734-004, Williams Gas Supply Company  
 Docket No. CI87-738-006, Williams Gas Marketing Company  
 Docket No. CI87-786-005, Val Gas, L.P.  
 Docket No. CI87-811-004, CNG Trading Company  
 Docket No. CI87-825-007, V.H.C. Gas System, L.P.  
 Docket No. CI87-883-004, Meridian Oil Trading, Inc.  
 Docket No. CI88-74-004, Panhandle Trading Company  
 Docket No. CI88-274-003, Coastal States Gas Transmission Company  
 Docket No. CI88-328-003, Ringwood Gas Marketing Company  
 Docket No. CI88-346-005, Anthem Energy Company  
 Docket No. CI88-481-003, CNG Producing Company  
 Docket No. CI88-648-003, Western Gas Marketing USA Limited  
 Docket No. CI89-194-003, Coastal Gas Marketing Company  
 Docket No. CI89-312-002, LIDO-Atlantic Trading Company  
 Docket No. CI89-332-002, Columbia Gas Development Corporation  
 Docket No. CI89-361-002, Equitable Resources Marketing Company  
 Docket No. CI89-479-002, Western Gas Processors, Ltd.  
 Docket No. CI89-483-001, Citrus Industrial Sales, Company, Inc.  
 Docket No. CI89-501-003, Enserch Gas Company  
 Docket No. CI90-76-001, Citrus Trading Corporation  
 Docket No. CI90-27-001, Kern River Gas Supply Corporation  
 Docket No. CI90-149-001, Citrus Marketing, Inc.  
 Docket No. CI91-15-001, CanStates Petroleum Marketing  
 CAG-67.  
 Docket No. CP90-29-000, Trunkline Gas Company  
 CAG-68.  
 Docket No. CP89-43-000, United Gas Pipe Line Company  
 CAG-69.  
 Docket No. CP90-1317-000, Tennessee Gas Pipeline Company  
 CAG-70.  
 Docket Nos. RP86-168-000, TC86-21-001, RP86-15-000, RP87-55-000, RP88-43-000, RP86-56-000, RP88-119-000, RP88-187-



000, RP88-207-000, RP89-116-000, CP 83-452-034, RP89-181-000, TA81-1-21-000, 022, TA82-21-001, 024, 027, TA87-4-21-000, 002, TA87-5-21-000, TA88-2-21-000, TA89-1-21-000, TC79-127-000, TC86-21-000, TQ88-1-21-000, TQ88-2-21-000, TQ89-1-21-000, TQ89-2-21-000, TQ89-3-21-000, TQ89-4-21-000, TM89-2-21-000, TM89-3-21-000 and TM89-4-21-000, Columbia Gas Transmission Corporation  
Docket Nos. RP86-167-000, RP86-14-000 and RP89-94-000, Columbia Gulf Transmission Company

#### CAG-71.

Docket No. CP90-1439-000, Trunkline Gas Company

#### CAG-72.

Docket No. CP91-705-000, City of Gainesville, Florida v. Florida Gas Transmission Company

#### CAG-73.

Omitted

#### CAG-74.

Docket No. CP90-1169-000, Michigan Consolidated Gas Company  
Docket No. CP90-2164-000, Natural Gas Pipeline Company of America  
Docket Nos. CP77-253-026 and CP91-231-000, Panhandle Eastern Pipe Line Company

#### CAG-75.

Docket No. CP90-2155-000, Southern Natural Gas Company

#### Hydro Agenda

##### H-1.

Project Nos. 588-005 and 2683-007, James River II, Inc. Order on request for rehearing.

#### Electric Agenda

##### E-1.

Reserved

#### Miscellaneous Agenda

##### M-1.

Docket No. RM91-10-000, Comprehensive Review of Commission *Ex Parte* Regulations

#### Oil and Gas Agenda

##### I. Pipeline Rate Matters

##### PR-1.

Omitted

##### PR-2.

(A) Docket Nos. MT88-1-000, 001, 003 and 004, Algonquin Gas Transmission Company  
Docket Nos. MT88-2-000, 001, 002 and 003, Questar Pipeline Company  
Docket Nos. MT88-3-000, 001, 002 and 003, Transcontinental Gas Pipe Line Corporation  
Docket Nos. MT88-4-000, 001 and 005, Mid-Louisiana Gas Company  
Docket Nos. MT88-5-000, 001 and 003, Phillips Gas Pipeline Company  
Docket No. MT88-6-000, 001 and 003, Texas Gas Transmission Corporation  
Docket Nos. MT88-7-000, 001 and 002, Sabine Pipe Line Company  
Docket Nos. MT88-8-000, 001 and 003, Equitrans, Inc.  
Docket Nos. MT88-9-000, 001 and 002, Texas Eastern Transmission Corporation  
Docket Nos. MT88-10-000, 001, 002 and 003, Ringwood Gathering Company

Docket Nos. MT88-11-000, 001 and 007, Northwest Pipeline Corporation  
Docket Nos. MT88-12-000 and 003, El Paso Natural Gas Company  
Docket Nos. MT88-13-000, 001 and 003, Kentucky West Virginia Gas Company  
Docket No. MT88-14-000, 001 and 002, Williams Natural Gas Company  
Docket Nos. MT88-15-000, 001, 002 and 003, CNG Transmission Corporation  
Docket Nos. MT88-16-000 and 003, Superior Offshore Pipeline Company  
Docket No. MT88-17-000, Texas Sea Rim Pipeline, Inc.  
Docket Nos. MT88-18-000, 001 and 003, K N Energy, Inc.  
Docket Nos. MT88-19-000, 001 and 003, ANR Pipeline Company  
Docket Nos. MT88-20-000, 001 and 003, Southern Natural Gas Company  
Docket Nos. MT88-21-000 and 002, South Georgia Natural Gas Company  
Docket Nos. MT88-22-000, 001, 002 and 003, Trunkline Gas Company  
Docket Nos. MT88-23-000 and 002, Colorado Interstate Gas Company  
Docket Nos. MT88-24-000, 001, 002 and 006, Northern Natural Gas Company  
Docket Nos. MT88-25-000, 001 and 003, Black Marlin Pipeline Company  
Docket Nos. MT88-26-000, 001 and 005, Transwestern Pipeline Company  
Docket Nos. MT88-27-000, 001 and 002, Northern Border Pipeline Company  
Docket Nos. MT88-28-000, 001, 003 and 004, Valero Interstate Transmission Corporation  
Docket Nos. MT88-29-000, 001, 006 and 007, Florida Gas Transmission Corporation  
Docket Nos. MT88-30-000, 001 and 004, United Gas Pipe Company  
Docket Nos. MT88-32-000, 001 and 002, Sea Robin Pipeline Company  
Docket Nos. MT88-33-000, 001 and 002, Natural Gas Company of America  
Docket Nos. MT88-34-000 and 001, Tennessee Gas Pipeline Company  
Docket Nos. MT88-35-000, 001 and 002, Arkia Energy Resources, Inc.  
Docket Nos. MT88-36-000, 001 and 002, Panhandle Eastern Pipe Line Company  
Docket Nos. MT88-37-000, 001 and 003, MICC, Inc.  
Docket Nos. MT88-38-000, 001 and 002, Valley Gas Transmission, Inc.  
Docket Nos. MT88-39-000, 001, 002 and 003, Western Transmission Corporation  
Docket Nos. MT88-40-000, 001 and 002, Blue Dolphin Pipe Line Company  
Docket Nos. MT89-1-000, 001 and 003, Williston Basin Interstate Pipeline Company  
Docket Nos. MT89-2-000 and 002, Carnegie Natural Gas Company  
Docket Nos. MT89-3-000 and 003, Columbia Gas Transmission Company  
Docket Nos. MT89-4-000 and 004, Columbia Gulf Transmission Company  
Docket Nos. MT89-5-000, 001, 002, 003 and 004, West Texas Gathering Company  
Docket Nos. MT89-6-000, 001, 002, 003 and 004, Caprock Pipeline Company  
Docket Nos. MT89-7-000 and 001, Nora Transmission Company  
Docket Nos. MT89-8-000 and 001, Seagull Interstate Corporation

Docket No. MT90-1-000, Midwestern Gas Transmission Company  
Docket No. MT90-2-000, Ohio River Pipeline Corporation  
Docket No. MT90-3-000, Trailblazer Pipeline Company  
Docket No. MT90-4-000, Moraine Pipeline Company  
Docket No. MT90-5-000, Canyon Creek Compression Company  
Docket No. MT90-6-000, Stingray Pipeline Company  
Docket No. MT90-7-000, Trunkline LNG Company  
Docket No. MT90-8-000, Mississippi River Transmission Corporation  
Docket No. MT90-9-000, Green Canyon Pipeline Company  
Docket Nos. MT90-10-000 and 001, High Island Offshore System  
Docket No. MT91-1-000, U-T Offshore System  
Docket Nos. MT91-2-000, 002 and 003, National Fuel Gas Supply Corporation  
Docket No. CP90-1014-002, Southwest Gas Storage Company. Order on Order Nos. 497 and 497-A compliance filings.  
Docket No. MC88-41-001, Superior Offshore Pipeline Company and Texas Sea Rim Pipeline, Inc.  
Docket No. RM87-5-003, Northern Border Pipeline Company  
Docket No. MC90-3-000, Trunkline LNG Company  
Docket No. MC88-22-001, Western Transmission Corporation  
Docket No. MC90-1-000, Ringwood Gathering Company  
Docket No. MC90-2-000, Ohio River Pipeline Company  
Docket No. MC89-4-003, Carnegie Natural Gas Company. Order on rehearing and requests for waivers of Order Nos. 497 and 497-A.

##### PR-3.

(A) Docket No. MC88-44-000, *et al.*, ANR Pipeline Company  
Docket No. MC88-14-000, *et al.*, Black Marlin Pipeline  
Docket No. MC88-23-000, *et al.*, Colorado Interstate Gas Company  
Docket No. MC88-17-000, *et al.*, El Paso Natural Gas Company  
Docket No. MC88-03-000, *et al.*, Florida Gas Transmission Company  
Docket No. MC88-30-000, *et al.*, Great Lake Gas Transmission Company  
Docket No. MC90-05-000, *et al.*, High Island Offshore System  
Docket No. MC88-48-000, *et al.*, KN Energy, Inc.  
Docket No. MC89-14-000, *et al.*, Moraine Pipeline Company  
Docket No. MC88-31-000, *et al.*, Natural Gas Pipeline Company of America  
Docket No. MC88-35-000, *et al.*, Northern Border Pipeline Company  
Docket No. MC88-07-000, *et al.*, Northern Natural Gas Company  
Docket No. MC89-08-000, *et al.*, Phillips Gas Pipeline Company  
Docket No. MC89-08-000, *et al.*, Sabine Pipe Line Company  
Docket No. MC88-16-000, *et al.*, South Georgia Natural Gas Company



Docket No. MG88-15-000, *et al.*, Southern Natural Gas Company

Docket No. MG88-09-000, *et al.*, Transwestern Pipeline Company

Docket No. MG90-09-000, *et al.*, U-T Offshore System

Docket No. MG88-50-000, *et al.*, Williams Natural Gas Company

Docket No. MG89-02-000, *et al.*, Williston Basin Interstate Pipeline Company. Order on Standards of Conduct filings under Order Nos. 497 and 497-A.

(B) Docket No. MG88-2-000, *et al.*, Algonquin Gas Transmission Company. Order on Standards of Conduct filings under Order Nos. 497 and 497-A.

(C) Docket No. MG89-4-000, *et al.*, Carnegie Natural Gas Company. Order on Standards of Conduct filings under Order Nos. 497 and 497-A.

(D) Docket No. MG88-4-000, *et al.*, Mid Louisiana Gas Company. Order on Standards of Conduct filings under Order Nos. 497 and 497-A.

(E) Docket No. MG88-55-001, *et al.*, Panhandle Eastern Pipeline Company. Order on Standards of Conduct filings under Order Nos. 497 and 497-A.

(F) Docket No. MG88-26-000, *et al.*, Texas Eastern Transmission Corporation. Order on Standards of Conduct filings under Order Nos. 497 and 497-A.

(G) Docket No. MG88-54-000, *et al.*, Trunkline Gas Company. Order on Standards of Conduct filings under Order Nos. 497 and 497-A.

(H) Docket No. MG90-07-000, *et al.*, Trunkline LNG Company. Order on Standards of Conduct filings under Order Nos. 497 and 497-A.

(I) Docket No. MG88-18-000, *et al.*, Blue Dolphin Pipeline Company. Order on Standards of Conduct filings under Order Nos. 497 and 497-A.

(J) Docket No. MG89-16-000, *et al.*, Caprock Pipeline Company. Order on Standards of Conduct filings under Order Nos. 497 and 497-A.

(K) Docket No. MG88-08-000, *et al.*, MIGC, Inc. Order on Standards of Conduct filings under Order Nos. 497 and 497-A.

(L) Docket No. MG88-56-000, *et al.*, Ringwood Gathering Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(M) Docket No. MG88-23-000, *et al.*, Superior Offshore Pipeline Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(N) Docket No. MG88-24-000, *et al.*, Texas Sea Rim Pipeline Inc. Standards of Conduct filings under Order Nos. 497 and 497-A.

(O) Docket No. MG88-33-000, *et al.*, Valley Gas Transmission Inc. Standards of Conduct filings under Order Nos. 497 and 497-A.

(P) Docket No. MG88-22-000, *et al.*, Western Transmission Corporation. Standards of Conduct filings under Order Nos. 497 and 497-A.

(Q) Docket No. MG88-20-000, *et al.*, ARKLA Energy Resources Inc. Standards of Conduct filings under Order Nos. 497 and 497-A.

(R) Docket No. MG90-6-000, *et al.*, Canyon Creek Compression Company. Standards

of Conduct filings under Order Nos. 497 and 497-A.

(S) Docket No. MG88-11-000, *et al.*, Columbia Gas Transmission Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(T) Docket No. MG89-10-000, *et al.*, Columbia Gulf Transmission Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(U) Docket No. MG88-53-000, *et al.*, CNG Transmission Corporation. Standards of Conduct filings under Order Nos. 497 and 497-A.

(V) Docket No. MG89-05-000, *et al.*, Equitrans, Inc. Standards of Conduct filings under Order Nos. 497 and 497-A.

(W) Docket No. MG89-13-000, *et al.*, Green Canyon Pipe Line Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(X) Docket No. MG88-49-000, *et al.*, Kentucky West Virginia Gas Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(Y) Docket No. MG90-4-000, Midwestern Gas Transmission Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(Z) Docket No. MG88-12-000, *et al.*, Mississippi River Transmission Corporation. Standards of Conduct filings under Order Nos. 497 and 497-A.

(AA) Docket No. MG91-1-000, *et al.*, National Fuel Gas Supply Corporation. Standards of Conduct filings under Order Nos. 497 and 497-A.

(BB) Docket No. MG89-17-000, *et al.*, Nora Transmission Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(CC) Docket No. MG90-2-000, *et al.*, Ohio River Pipeline Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(DD) Docket No. MG88-11-000, *et al.*, Questar Pipeline Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(EE) Docket No. MG88-32-000, *et al.*, Sea Robin Pipeline Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(FF) Docket No. MG89-06-000, *et al.*, Seagull Interstate Corporation. Standards of Conduct filings under Order Nos. 497 and 497-A.

(GG) Docket No. MG91-2-000, *et al.*, Southwest Gas Storage Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(HH) Docket No. MG90-8-000, *et al.*, Stingray Pipeline Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(II) Docket No. MG88-19-000, *et al.*, Tennessee Gas Pipeline Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(JJ) Docket No. MG88-47-000, *et al.*, Texas Gas Transmission Corporation. Standards of Conduct filings under Order Nos. 497 and 497-A.

(KK) Docket No. MG90-7-000, *et al.*, Trailblazer Pipeline Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(LL) Docket No. MG88-05-000, *et al.*, United Gas Pipe Line Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(MM) Docket No. MG88-13-000, *et al.*, Valero Interstate Transmission Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(NN) Docket No. MG90-11-000, *et al.*, Viking Gas Transmission Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

(OO) Docket No. MG89-15-000, *et al.*, West Texas Gathering Company. Standards of Conduct filings under Order Nos. 497 and 497-A.

## II. Producer Matters

### PF-1.

Reserved

## III. Pipeline Certificate Matters

### PC-1.

Docket No. CP90-2214-000, El Paso Natural Gas Company. Order on certificate application.

### PC-2.

Docket No. CP91-151-000, El Paso Natural Gas Company. Order denying rehearing.

### PC-3.

Omitted

### PC-4.

Docket No. CP88-194-003, National Fuel Gas Supply Corporation and Penn-York Energy Corporation

Docket No. CP89-7-003, Transcontinental Gas Pipe Line Corporation

Docket No. CP88-195-004, PennEast Gas Services Company. Order on request for rehearing and clarification.

### PC-5.

Docket Nos. CP88-180-009, and 014, Texas Eastern Transmission Corporation

Docket No. CP88-185-003, Algonquin Gas Transmission Company. Order on requests for rehearing.

### PC-6.

Docket Nos. CP87-131-005, and CP87-132-009, Tennessee Gas Pipeline Company. Order on request for rehearing.

### PC-7.

Docket Nos. CP87-5-015, CP87-312-007, CP87-313-003, CP87-314-003, CP88-197-004 and CP88-388-004, CNG Transmission Corporation

Docket Nos. CP87-312-007 and 008, Texas Eastern Transmission Corporation

Docket No. CP87-554-011, Algonquin Gas Transmission Company. Order on request for rehearing.

### PC-8.

Docket Nos. CP88-129-004, and CP88-163-002, Columbia Gas Transmission Corporation

Docket No. CP89-656-002, Algonquin Gas Transmission Company. Order on request for rehearing.

### PC-9.

Docket Nos. CP87-5-005, CP87-92-005, Texas Eastern Transmission Corporation

Docket Nos. CP88-197-003, CP88-388-003, CNG Transmission Corporation

Docket Nos. CP87-312-005, CP86-313-002, CP87-314-002, CP88-128-003 and CP88-197-003, CNG Transmission Corporation



Docket No. CP87-554-002, Algonquin Gas Transmission Company  
 Docket No. CP89-6-002, Transcontinental Gas Pipe Line Corporation. Order on requests for rehearing.

PC-10.

Docket No. CP88-171-002, Tennessee Gas Pipeline Company  
 Docket Nos. CP88-94-003 and CP88-194-005, National Fuel Gas Supply Corporation  
 Docket No. CP88-92-002, Transcontinental Gas Pipe Line Corporation  
 Docket No. CP88-195-006, PennEast Gas Services Corporation, CNG Transmission Corporation and Texas Eastern Transmission Corporation  
 Docket Nos. CP87-131-003, and CP87-132-004, Tennessee Gas Pipeline Company. Order on requests for rehearing.

PC-11.

Docket Nos. CP88-171-004 and 006, Tennessee Gas Pipeline Company  
 Docket No. CP89-712-001, CNG Transmission Corporation  
 Docket Nos. CP88-194-001 and CP88-94-004, National Fuel Gas Supply Corporation  
 Docket Nos. CP89-7-008, 009, CP88-92-003 and 004, Transcontinental Gas Pipe Line Corporation  
 Docket Nos. CP88-195-007 and 008, PennEast Gas Services Company, CNG Transmission Corporation and Texas Eastern Transmission Corporation  
 Docket No. CP89-711-001, Texas Eastern Transmission Corporation  
 Docket No. CP88-187-003, Algonquin Gas Transmission Corporation  
 Docket Nos. CP89-2205-002 and CP89-710-001, Transcontinental Gas Pipe Line Corporation  
 Docket No. CP89-892-001, Great Lakes Transmission Company  
 Docket Nos. CP87-131-004, and 007, Tennessee Gas Pipeline Company. Order on requests for rehearing.

PC-12.

Docket No. CP89-637-003, ANR Pipeline Company  
 Docket No. CP89-635-002, Columbia Gas Transmission Corporation  
 Docket No. CP89-661-002, Algonquin Gas Transmission Company. Order on requests for rehearing.

Lois D. Cashell,

Secretary.

[FR Doc. 91-7295 Filed 3-22-91; 4:30 pm]

BILLING CODE 6717-01-M

#### NATIONAL TRANSPORTATION SAFETY BOARD

**TIME AND DATE:** 9:30 a.m., Tuesday, April 2, 1991.

**PLACE:** Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

**STATUS:** The first seven items are open to the public. The last four items are closed under Exemption 10 of the Government in Sunshine Act.

**MATTERS TO BE CONSIDERED:**

1. Aircraft Accident Report: Runway Collision of Eastern Airlines Flight 111 and Epps Air Service Beechcraft King Air 100, Hartsfield International Airport, Atlanta, Georgia, January 18, 1990.
2. Recommendation to U.S. Coast Guard: Capsizing and Sinking of the Small Passenger Vessel GAMBLER, Quillayute River Bar, La Push, Washington, January 21, 1990. (Calendared by Member Burnett.)
3. Proposed Position Papers: Selected Highway Safety Issues. (Calendared by Chairman Kolstad.)
4. Briefs of Aviation Accidents: Random Selection of 1989 Briefs R89-1. (Calendared by Member Burnett.)
5. Public Hearing: Recommendation for No Hearing are Collision and Derailement of Amtrak Train with MBTA Train at Back Bay Station, Boston, Massachusetts, December 12, 1990. (Calendared by Member Burnett.)
6. Recommendation to 13 States: Enactment of Legislation on the Mandatory Use of Safety Belts. (Calendared by Member Burnett.)
7. Mail Controlled Letters: Pertaining to Recommendation Followup—  
 880584/880608/880730/880897/890842  
 890190/890815/900677  
 900538  
 900574/900624  
 900677  
 900692  
 900767  
 900795  
 900819  
 900876  
 900889  
 900901  
 900901  
 910061  
 (Calendared by Member Burnett.)
8. Opinion and Order: Administrator v. Witham, Docket SE-8993; disposition of respondent's appeal. (Calendared by Member Burnett.)
9. Opinion and Order: Administrator v. Frazier, Docket SE-8574; Disposition of respondent's appeal. (Calendared by Member Burnett.)
10. Opinion and Order: Administrator v. Schultz, Docket SE-10421; disposition of the Administrator's appeal. (Calendared by Member Burnett.)
11. Opinion and Order: Administrator v. Valley, Docket SE-8363; disposition of respondent's appeal. (Calendared by Member Burnett.)

News Media Contact: 382-8600

**FOR MORE INFORMATION CONTACT:** Bea Hardesty, (202) 382-6525.

Bea Hardesty,

Federal Register Liaison Officer.

March 22, 1991.

[FR Doc. 91-7325 Filed 3-25-91; 11:29 am]

BILLING CODE 7533-01-M

#### NUCLEAR REGULATORY COMMISSION

**DATE:** Weeks of March 25, April 1, 8, and 15, 1991.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Open and Closed.

**MATTERS TO BE CONSIDERED:**

**Week of March 25**

Thursday, March 28

10:00 a.m.

Periodic Briefing on Definitions of Releases into Containment and Policy on the Use of the Updated TID-14844 by Existing Plants (Public Meeting)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Appeal from a Licensing Board Order LBP-91-1 in the Shoreham Proceeding

**Week of April 1—Tentative**

Wednesday, April 3

10:00 a.m.

Periodic Briefing on Progress of Resolution of Generic Safety Issues (Public Meeting)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

**Week of April 8—Tentative**

Friday, April 12

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

**Week of April 15—Tentative**

Friday, April 19

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

**Note.**—Affirmation session are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

**TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING):** (301) 492-0292.

**CONTRACT PERSON FOR MORE**

**INFORMATION:** William Hill (301) 492-1661.

March 22, 1991.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 91-7380 Filed 3-25-91; 1:38 pm]

BILLING CODE 7590-01-M

#### RESOLUTION TRUST CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Resolution Trust Corporation will meet in open session following the FDIC Open Board meeting beginning at 2:00 p.m. on



Tuesday, March 26, 1991 to consider the following matters:

**Summary Agenda:**

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

A. *Memorandum re: Establishment of Audit Committee to review reports issued by the RTC Inspector General.*

B. *Memorandum re: Delegation of Authority to the Inspector General to process FOIA requests for information in OIG files.*

**Discussion Agenda:**

A. *Memorandum re: Filing of Shelf Registration Statement with the Security and Exchange Commission for the issuance and sale of mortgage securities backed by residential (1-4 family) mortgage loans.*

B. *Memorandum re: Proposed revisions to RTC policy on the disposition of real estate to (1) eliminate barriers that will enable the timely marketing of RTC property, and (2) allow market values to prevail when appraised reports have proven unreliable.*

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning this meeting may be directed to Mr. John M. Buckley, Jr., Executive Secretary of the Resolution Trust Corporation, at (202) 416-7282.

Dated: March 22, 1991.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Executive Secretary.

[FR Doc. 91-7312 Filed 3-25-91; 8:51 am]

BILLING CODE 6714-01-M



# Corrections

Federal Register

Vol. 56, No. 59

Wednesday, March 27, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Applications for Duty-Free Entry of Scientific Instruments; Pennsylvania State, Inc. et al.

##### Correction

In notice document 91-6499 beginning on page 11545 in the issue of Tuesday, March 19, 1991, make the following correction:

On page 11545, in the third column, in the paragraph beginning *Docket Number 91-021*, in the fourth line, "Optional" should read "Optical".

BILLING CODE 1505-01-D

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1601

RIN 3046-AA43

#### Procedural Regulations

##### Correction

In rule document 91-5308 beginning on page 9623 in the issue of Thursday,

March 7, 1991, make the following corrections:

On page 9625, in the third column, in the third and fourth lines, the heading should read, **Subpart E-[Redesignated as Subpart D]**. In the seventh and eighth lines the heading should read, **Subpart F-[Redesignated as Subpart E]**

BILLING CODE 1505-01-D

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 302-11

[FTR Amendment 14]

RIN 3090-AD88

#### Federal Travel Regulation; Relocation Income Tax Allowance

##### Corrections

In rule document 91-5185, beginning on page 9289, in the issue of March 6, 1991, make the following corrections:

#### PART 302--[CORRECTED]

1. On page 9290, in the first column, in the second line of the authority citation, "(36 FR 12747)" should read "(36 FR 13747)".

#### § 302-11.8 [Corrected]

2. On page 9521, in § 302-11.8(e)(4)(i)(A), in the second column, in the second line, "formla" should read "formula".

3. On the same page, in the same section, in paragraph (f)(1), in the sixth line, "folows:" should read "follows:".

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 91-AGL-2]

#### Proposed Transition Area Establishment; Sault Ste Marie Marie Municipal/Sanderson Field Airport, MI

##### Corrections

In proposed rule document 91-3829, beginning on page 6593, in the issue of February 19, 1991, make the following corrections:

#### § 71.181 [Corrected]

1. On page 6593, in the third column:  
a. In the fourth and fifth lines, under **SAULT STE \*\*\***, the parenthetical information should read "(lat. 46°46'N., long. 84°22'08"W.)".

b. In the fourth line from the bottom of the page, "milles" should read "miles".

BILLING CODE 1505-01-D



# Registered Federal Trust

Wednesday  
March 27, 1991

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## Part II

# Department of the Interior

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## Bureau of Indian Affairs

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### List of Additional Lands Affected by White Earth Reservation Land Settlement Act of 1985; Notice



## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

List of Additional Lands Affected by  
White Earth Reservation Land  
Settlement Act of 1985

March 18, 1991.

## ACTION: Notice.

**SUMMARY:** This notice lists additional allotments or interests therein on the White Earth Chippewa Reservation in Minnesota which have been determined to fall within the scope of sections 4(a), 4(b), or 5(c) of the White Earth Reservation Land Settlement Act of 1985, Public Law 99-264 (100 Stat. 61), as amended. This notice is required by section 7(e), of the Act, as amended.

## FOR FURTHER INFORMATION CONTACT:

Project Director, Branch of WELSA, Bureau of Indian Affairs, Route 3, Box 112, Cass Lake, Minnesota 56633, Telephone: (218) 335-2174.

**SUPPLEMENTARY INFORMATION:** The White Earth Reservation Land Settlement Act of 1985, Public Law 99-264 (100 Stat. 61), as amended by Public Law 100-153 (101 Stat. 886), Public Law 100-212 (101 Stat. 1433), and Public Law 101-301 (104 Stat. 210), provides for alternative methods of resolving disputes relative to the title to certain allotments for which trust patents were issued to White Earth Chippewa Indians. Sections 4(a) and 4(b) of the Act define circumstances by which the title to an allotment may have been taken or transferred through a questionable means during the trust period. The Act authorizes the Secretary of the Interior to: (1) Identify the allotments or interests therein which were taken or transferred under identified circumstances, (2) determine the individuals entitled to compensation pursuant to the Act, and (3) ascertain the amount of compensation to which each such individual is entitled. In addition, section 5(c) of the Act provides that the White Earth Band of Chippewa Indians shall be compensated for allotments which were granted to individuals who had died prior to the selection dates of their respective allotments.

Under section 8(a) of the Act, the compensation for the taking or transfer of an allotment or interest is to be based on the fair market value of the allotment or interest therein as of the date of such taking or transfer, less any consideration actually received at the time. The compensation to be paid under the Act shall include interest compounded annually at 5 percent from the date of the questionable taking or transfer, until March 24, 1986, and at the

general rate of interest earned by Department of the Interior funds thereafter. The Secretary is authorized to issue written notices of compensation determination to the allottees or heirs entitled thereto. Such notice shall describe the basis for the Secretary's determination, the process whereby such compensation was determined, the method of payment, and the applicable time limits for judicial review of the determination. Any individual who has already elected to file suit in the Federal District Court for the District of Minnesota to seek the recovery of title to an allotment or interest therein, or damages, is barred under section 6(c) from receiving any compensation under the Act.

The Secretary was authorized, pursuant to section 7(a) of the Act, to publish a first list of allotments or interests that fall within the provisions of sections 4(a), 4(b), or 5(c) of the Act. The first list of allotments and interests affected by the Act was published in the Federal Register on September 19, 1986. The Secretary was also authorized, pursuant to section 7(c) of the Act, to publish a second list of allotments and interests affected by the Act, including additions to those appearing on the first list. The amendment contained in Pub. L. 101-212 authorized the Secretary to include and publish, as part of the second list, corrections to the first list. The list published in the Federal Register on March 10, 1989, constitutes the second list of allotments and interests therein which had been determined by the Department of the Interior to fall within the provisions of sections 4(a), 4(b), or 5(c) of the Act. The March 10, 1989, list corrected the first list and did not contain tracts and interests that had been removed from the first list because they had been found to be outside the scope of sections 4(a), 4(b), or 5(c) of the Act.

The Secretary is also authorized, at any time, pursuant to section 7(e)(1) of the Act, as amended, to add allotments or interests to the second list if the Secretary determined that the additional allotments or interests fall within the provisions of sections 4(a), 4(b) or 5(c). The Secretary has determined that certain additional allotments or interests fall within the provisions of sections 4(a), 4(b), or 5(c). The list in this notice contains these additions.

The list describes additional allotments and interests whether the takings or transfers apply to the allottees or the heirs of inherited interests. The lists characterized in the September 19, 1986, and March 10, 1989, publications as those of Partial Interests are no longer being published. All

allotments and interests determined by the Secretary to be affected by sections 4(a), 4(b) and 5(c) of the Act are contained in what had been characterized as the Master List in previous publications and in this addition. Some of the allotments contained on the list included herein represent partial interests only. The failure to include a Partial Interest list does not mean that there are no partial interests.

The inclusion of an allotment or interest on this list may be judicially reviewed pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 701, et seq. Any such action must be filed in Federal District Court for the District of Minnesota and shall be barred unless it is filed within 90 calendar days of this publication.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. Patrick A. Hayes,

Acting Assistant Secretary—Indian Affairs.

## Instruction Sheet

Each questionable taking or transfer has been assigned a 10, 11, or 12 character Issue Number. In every instance, the first six characters, F53408, are identical and denote the Minneapolis Area Office, Minnesota Agency, and White Earth Indian Reservation. The last four, five, or six characters identify the specific taking or transfer. The list contains information regarding allotments and inherited interests, in addition to those listed in previous publications, affected by the Act, including the following subheadings:

**Issue No.:** The 10, 11, or 12 character number, explained above, which identifies the Area Office, Agency, Reservation, and specific taking or transfer affected by the Act. Where there are multiple tracts of land, there has occasionally been the need to add one or more letters to the Issue Number in order to distinguish among such tracts. Also, where a tract of land has been the subject of multiple takings or transfers by interest holders, letters have been added to the Issue Number to distinguish between such takings and transfers.

**Allot. No.:** The number assigned, at the time of the allotment selection, to the allotment comprising the tract of land which was involved in the taking or transfer. Many White Earth allottees, after receiving an original allotment, were also granted an additional allotment, with different numbers assigned to each. To distinguish



between the two allotments, the allotment numbers are preceded by the letter O (Original Allotment) or A (Additional Allotment).

*Co:* The county in which the tract involved in the taking or transfer is located. These are identified as either Becker (B), Clearwater (C), or Mahnomen (M) County.

*Legal Subdiv., Sec., TWP., and Rng.:* The legal description of the tract which is involved with the taking or transfer by legal Subdivision, and Section (SEC), Township (TWP), and Range (RNG) numbers. Where a metes and bounds description is required for the legal

subdivision, it is described as MB (Metes and Bounds). Further information concerning such tracts can be obtained from the Branch of WELSA office on Cass Lake, Minnesota.

*English Name:* All known English names of the allottee, including given name, middle initial, middle name, maiden name, married name, and other English names which have been identified for the allottee.

*Ojibway Name:* The name of the allottee in Ojibway, the native language of the White Earth Band of Chippewa Indians. The names are shown with phonetic spellings. Tracts which fall

within the provisions of section 5(c) of the Act where the claimant is the White Earth Band appear on the list with the White Earth Band listed under the sub-heading of ENGLISH NAME.

If you wish further information about allotments or interests therein which are contained in this list, call or write the Branch of WELSA office. The address and telephone number are indicated in the **"FOR FURTHER INFORMATION CONTACT"** section of this document. Be sure to include the complete Issue Number in any correspondence with the Bureau of Indian Affairs.

BILLING CODE 4310-02-M



# WHITE EARTH RESERVATION LAND SETTLEMENT ACT CLAIMS MASTER LIST

ISSUE NO.	ALLOT. NO.	C O	LEGAL SUBDIV.	S E C	T W P	R N G	ENGLISH NAME	OJIBWAY NAME
F534080004A	A-2812	M	N2NE	07	143	39		AH ZHOW AH CUMIG ISH KUNG
F534080004B	A-2812	M	N2NE	07	143	39		AH ZHOW AH CUMIG ISH KUNG
F534080009A	O-1711	B	S2SE	28	141	37		AY DAH WAH NUN IGO QUAY
F534080020	A-3029	C	W2NW	33	145	38		AY NE MAH SUNG
F534080020F	A-3029	C	W2NW LESS SWNESWNW	33	145	38	JOHN AUGINAUSH	AY NE MAH SUNG
F534080044B	O-1874	B	SWSE & W1/2 LOT 4	32	141	37	DICK TAYLOR	NAY TAH WAUSH
F534080047A	O-2134	B	NWNE & NENW	29	141	37	SUSAN BELLANGER	NE BIN AY GE SHIG
F534080064B	O-2077	B	N2SW	36	141	38		WAH BE SISHE
F534080106C	O-4054	C	SENE	34	145	38	MRS. TOM SKINAWAY	O GAH BAY BAH KAH CO NAH MO QUAY
F534080121A	O-3362	B	SENE & NESW	28	142	42		SHE BAH KE SHIG O QUAY
F534080123E	A-0297	M	LOTS 2, 4 & SWNW	26	143	40		O GICK AUNCE
F534080123K	O-0389	M	LOTS 5, 6 & NWSW	26	143	40		O GICK AUNCE
F534080126A	A-1678	M	S2NWNW	25	145	42		MAY MIS QUON O WAY
F534080140A	O-2290	M	LOT 1 & SENW	33	145	40		TE BISH CO YAUSH E QUAY
F534080140C	O-2290	M	LOT 1 & SENW	33	145	40		TE BISH CO YAUSH E QUAY
F534080143A	A-1949	M	LOT 3	24	143	40	EMMA DURANT	
F534080143B	A-1949	C	LOTS 1 & 2	18	144	38	EMMA DURANT	
F534080145	O-2921	M	W2SW	27	146	39		JIM KAY BAY BE TUNG
F534080145A	O-2921	M	W2SW	27	146	39		JIM KAY BAY BE TUNG
F534080147	O-2920	M	E2SW	27	146	39	DAVID FISHER	KAY BAY BE TUNG
F534080147A	O-2920	M	E2SW	27	146	39	DAVID FISHER	KAY BAY BE TUNG
F534080151	O-2078	B	E2SW	33	141	38		WAY WAY ZHE O QUAY
F534080153	O-0511	M	SWSE	02	146	41	MARY BEAULIEU ROUE	
			NENE	11	146	41		
F534080157A	A-0278	M	SWNE & NWSE	21	145	42	GLADYS WOODBURY	
F534080159	O-2919	M	S2SW	21	146	39		AH WAH NAH QUOD OKE
F534080164	O-0352	B	W2NE	27	141	42	ISABELLE MONCHAMP	
F534080166	A-0489	B	NWNE	09	142	37	JEREMIAH SELKIRK	
F534080173	A-2015	M	LOT 6 & NWSE	19	146	39	HENRY ROSS	NE BE DAY GE SHIG
F534080175	O-3845	M	LOT 1 & SWNE	33	143	39		PAY MIS KIS
F534080178	O-2827	B	LOT 5	19	141	37		PE ZHE KEE
F534080187	O-3178	M	NWNE	07	146	40	ISADORE HAMLINE	
			SWSE	08	146	40		
F534080187A	O-3178	M	NWNE	07	146	40	ISADORE HAMLINE	
			SWSE	08	146	40		
F534080187B	O-3178	M	NWNE	07	146	40	ISADORE HAMLINE	
			SWSE	08	146	40		
F534080211	O-1029	B	NENW	14	142	41	EVA SHAY DAY	
			LOT 1	13	142	41		
F534080221	A-0691	C	SENE	33	144	38	JANE PARKER HEISLER	
			SWNW	34	144	38		
F534080284C	O-2051	B	S2NE	33	142	37		KE WE ZAW WAUN DE BAY
F534080285A	A-0369	B	E2NE	14	141	42	PAUL BISSON	
F534080303	O-2512	M	SWSW	35	143	40		PED WAY WAY GAH BOW EAK
F534080303A	O-2512	B	LOT 4	02	142	40		PED WAY WAY GAH BOW EAK
F534080308C	A-1803	C	S2S2SENE	05	146	38	MARIA ROY	SHIN GOOB
F534080311A	A-0425	B	SWNE & NWSE	22	141	40	EVA VAN WERT SWEET	
F534080314B	A-2983	C	LOT 6	30	143	38	TOM DORR	SHAH BAUSH KUNG
F534080314C	A-2983	C	LOT 6	30	143	38	TOM DORR	SHAH BAUSH KUNG
F534080314D	A-2983	C	LOT 6	30	143	38	TOM DORR	SHAH BAUSH KUNG
F534080314L	O-4920	M	SENE & NESE	28	143	39	TOM DORR	SHAH BAUSH KUNG
F534080314M	O-4920	M	SENE & NESE	28	143	39	TOM DORR	SHAH BAUSH KUNG
F534080314N	O-4920	M	SENE & NESE	28	143	39	TOM DORR	SHAH BAUSH KUNG
F534080342I	O-0465	B	N2SW, SWSE, SESW	34	142	41	ANTOINE BISSON, SR.	
F534080345	O-0028	B	LOTS 1, 2, 3, 4, 5, 8	11	142	41	JOHN H. BEAULIEU	
F534080378A	A-0371	C	SWSW	17	144	38	MARY BISSON FREDRICKSON	
			W2W2SWNE	09	141	41		
F534080394	O-2331	M	N2SW	28	146	39	FRANK EMERSON	MAY ZHUC E BI NAIS
F534080394B	A-1710	M	LOTS 2 & 3	21	146	39	FRANK EMERSON	MAY ZHUC E BI NAIS
			S2SENE	01	146	39		
F534080394C	A-1710	M	LOTS 2 & 3	21	146	39	FRANK EMERSON	MAY ZHUC E BI NAIS
			S2SENE	01	146	39		
F534080394D	A-1710	M	LOTS 2 & 3	21	146	39	FRANK EMERSON	MAY ZHUC E BI NAIS
			S2SENE	01	146	39		
F534080394F	A-1710	M	LOTS 2 & 3	21	146	39	FRANK EMERSON	MAY ZHUC E BI NAIS
			S2SENE	01	146	39		
F534080395	O-1582	M	S2SE	02	144	40		KAY BAY GWON
F534080395A	O-1582	M	S2SE	02	144	40		KAY BAY GWON
F534080395B	O-1582	M	S2SE	02	144	40		KAY BAY GWON
F534080395C	O-1582	M	S2SE	02	144	40		KAY BAY GWON
F534080397A	A-0324	B	S2SE	02	142	37	ROBERT W. BEAULIEU	
F534080405D	O-2739	M	N2SE	35	145	40	WHITE EARTH BAND	
F534080407	O-0800.5	M	NWNE & NENW	08	143	40	FLORA LEITH	
F534080413A	A-0192	M	N2NW	33	143	42	MARY SAICE VANOSS	
F534080425	O-1108	B	LOT 2	04	142	39	MRS. JANE POTTER	KAY BAY GE SHIG O QUAY
F534080425A	O-1108	M	LOT 4	33	143	39	MRS. JANE POTTER	KAY BAY GE SHIG O QUAY
F534080429C	O-0929	M	W2SW	23	146	42	HENRY ASPINWALL	
F534080431F	A-2285	M	LOT 5	22	143	39	SUSAN BOSWELL	E QUAY ZAINCE
F534080436	O-0002	B	E2NW	29	142	40	CORNELIA WRIGHT	TAY BAUSH E GAY QUAY



F534080436A	A-0003	B	NWSW	13	142	38	CORNELIA WRIGHT	TAY BAUSH E GAY QUAY
F534080436B	A-0003	C	SWSE	35	144	38	CORNELIA WRIGHT	TAY BAUSH E GAY QUAY
F534080437A	A-0733	M	SWSE & SESW	01	145	42	MARTHA LEECY	
F534080448	O-2037	B	W2SE	16	141	38		I EEN DUB
F534080474	O-2863	B	LOT 3 & SENW	02	141	38		PAH OOM BAH QUOD ONG
F534080474A	O-2863	B	LOT 3 & SENW	02	141	38		PAH OOM BAH QUOD ONG
F534080477B	O-0836	M	S2NW	20	143	40	WILLIAM SANTWIER	
F534080479	A-3105	M	S. 1.505 OF LOT 5	02	146	40	SUSAN NASON	O GUB AY AH DO QUAY
F534080479A	A-3105	M	N. 13.835 OF LOT 5	02	146	40	SUSAN NASON	O GUB AY AH DO QUAY
F534080489	O-4200	M	S2SE	33	143	41	BETSY SMITH JACKSON	
F534080499	O-3174	B	NENE	33	142	41	BENJAMIN LAFOND	
F534080509A	A-0791	C	W2SW	28	142	41		
F534080512B	O-0955	B	LOT 1 & SENE	11	143	38	MADLINE VILLEBRUN	
			SESW & SWNE	21	141	41	ANGELINE BRUNETTE	
F534080522A	O-1483	M	E2NW	22	141	41		CHE JAINCE
F534080558	O-1291	M	SENE & NESE	13	143	41	ELIZABETH HOLSTEIN	
F534080558A	A-1009	C	W2SE	17	143	42	DELIA RUSSEL LADOUX	
F534080562A	O-2743	B	SENE & LOT 1	33	143	38	DELIA RUSSEL LADOUX	
F534080567	A-0892	B	N2SW	06	141	37	MRS. PETER TAYLOR	CHEENG WAH CUMIG UB EAK
F534080568	A-0875	M	NWNW	02	141	42	SUSAN M. LACY BARBOUR	MIN DE MO YAHN
			NENE	27	145	40		
F534080575G	O-0135	M	S2SW	28	145	40		
F534080584B	A-0874	M	S2SW	03	145	39	WILLIAM VINCENT WARREN	
F534080604A	O-1402	M	E2SW	22	145	40		PE DAH BUM O QUAY
F534080635	A-0428	B	E2SE	29	144	41	LOUISA BELLECOURT BEAULIEU	
F534080637A	O-1549	B	SWSW	30	142	39	LELIA ESTELL SWEET	
			SESE	21	141	42	MARY ROY FAIRBANKS BLANCHARD	
F534080638	O-1610	M	E2NE	20	141	42		
F534080646	O-3334	M	SENE	32	143	41	HENRIETTA CAMPBELL DOUCETTE	
			SWNW	06	144	41	CARRIE BROWN	
F534080653	O-0214	B	W2SE	05	144	41		
F534080679	A-1058	B	SWSE & SESW	22	141	42	LENA DOUCETTE	
F534080685A	O-1875	B	E2SW	24	141	41	WILLIAM H. VIZNOR	
F534080691A	O-0826	B	LOT 6	32	141	37		ONE TUM
F534080711A	O-1979	B	N2NW	22	142	41	MARY PARKER BELLANGER	KAY NOSH E QUAY
F534080715	A-0318	C	NESE & N2SESE	26	141	38	SOPHIA AGNES BRUNETTE	MAY MUSH KOW AUN AH NO QUAY
			N2S2SESE	06	143	38		
F534080716B	O-1724	B	S2SE	34	141	38		EQUAY ZAINCE ISH
F534080716C	O-1724	B	S2SE	34	141	38		EQUAY ZAINCE ISH
F534080716F	A-1284	B	W2SW	38	142	39		EQUAY ZAINCE ISH
F534080716G	A-1284	B	W2SW	36	142	39		EQUAY ZAINCE ISH
F534080716H	A-1284	B	W2SW	36	142	39		EQUAY ZAINCE ISH
F534080716I	A-1284	B	W2SW	36	142	39		EQUAY ZAINCE ISH
F534080723A	A-2980	M	SWSE	24	146	40	ELIZA ARMSTRONG KEEZER	NAY SHWOS O GAH BOW EKE
F534080731	O-2268	M	SWNW & NWSW	08	145	40	MARY PEABODY	MAY MAUSH KOW
F534080733	O-2224	M	W2NE	33	145	42	ELLEN LAJUNESSE	
F534080734	O-2201	M	SWNW & NWSW	34	145	40	MRS. CHARLES BISHOP	AY ZHE NE CAH ZOOD
F534080734A	O-2201	M	SWNW & NWSW	34	145	40	MRS. CHARLES BISHOP	AY ZHE NE CAH ZOOD
F534080737A	O-2211	M	SESW	14	145	40	ERNESTINE BISHOP MAGNAN	TAY DUG WAUSH E QUAY
			NENW	23	145	40		
F534080793	A-1603	C	N2SW	11	148	38	CHARLES BISHOP, JR.	AH ZHE DAY AUSH
F534080793A	O-2208	M	N2NE	27	145	40	CHARLES BISHOP, JR.	AH ZHE DAY AUSH
F534080794A	O-1188	B	LOTS 1 & 2	06	142	40		SHO NE YAH WUB E TUNG
F534080825	O-2117	M	SESW & SWSE	21	146	42	ELMER SETH BELLANGER	
F534080848	O-0397	B	E2NE	11	141	41	PAUL H. BEAULIEU	
F534080850A	O-2668	B	NWSW	12	141	41		MAH KOONCE
			LOT 3	23	142	40		
F534080881A	A-0378	M	SWSW	10	148	41	ELIZABETH BEAULIEU HASSELTON	
			NENE	16	146	41		
F534080897A	A-2998	C	LOT 3	29	143	38	SAM ANGIE	CHE KE SHIG
F534080897B	A-2998	B	LOT 4	36	142	39	SAM ANGIE	CHE KE SHIG
F534080916A	O-4192	M	N2SE	33	146	40	GEORGE BUNKER	
F534080931	O-3141	M	E2SW	22	144	42	JANE VIVIER STARKEY MONTRAILLE	
F534080942A	O-2350	M	LOT 3 & NESW	18	145	41		KE WUSH AH KOONCE
F534080942B	O-2350	M	LOT 3 & NESW	18	145	41		KE WUSH AH KOONCE
F534080960	O-2555	M	SESW & SWNE	27	145	41	FLORENCE BONGA RED WING	
F534080976B	O-4809	M	NESW	27	143	42	LILLIE MURPHY DECHON	
F534080981A	A-1796	C	S2NW	16	145	38	MAGGIE (AY NAY SHE NAH BAY) BIGWIND	OKE ZHE YAUSH E QUAY
F534080987	O-3019	M	S2SW	20	144	40	CECELIA MADELINE LEGO DOMISH	
F534081002A	A-0180	M	SENE	20	143	40	ANNIE ROWENA GAGNON	
			SWNW	21	143	40		
F534081004	O-4390	M	NESE	01	146	41	JOSEPHINE VEZINA LADUKE	
F534081017A	O-4573	M	W2NE	18	146	40	LOTTIE KELLEY BLAIR ERBE	O GISH
F534081036	O-4406	M	LOTS 1 & 2	30	143	41	GLADYS PRICE	
F534081036A	A-0475	M	SWNW, S2SESW, NWSW	28	143	41	GLADYS PRICE	
F534081039A	A-3033	M	S2NE	26	145	40	QUAN DOSH JOURDAIN	QUAN DOSH JOURDAIN
F534081056A	A-2499	M	W2SE	29	143	40	ESTHER WAKEFIELD MCINTOSH	
F534081079A	A-1150	M	N2NWNE & N2S2NWNE	35	146	42	EURENE WARREN TOBIN MOORE	
F534081081A	A-2335	M	LOT 1 & SWNW	09	143	39		O GAH BAY GAH BOW EQUAY
F534081082	O-4839	B	N2SE	02	142	42	MARGARET KEEZER	
F534081085A	A-2887	B	NESW	31	141	38	ELLA MARTINEAU POKEZWINSKI	
F534081085B	O-4967	M	NESE	12	145	42	ELLA MARTINEAU POKEZWINSKI	
F534081088A	A-3079	B	NENE	17	141	42	MAMMIE BARNES RICHARDSON	
F534081102A	O-3615	M	S2SW	14	146	42	AGNES GARDEN SHOENBORN	
F534081145A	A-2382	B	SWSW	24	142	37	ELIZABETH EUNEAU SNETSINGER	WAY E NUB E QUAY
			SENE	22	142	37		
F534081155	O-2481	B	W2NW	27	141	39	ARTHUR GRAY	MUNZE TOG WAY WAY AUN AH QUOD
F534081157	O-3133	M	NWSE & SWNE	17	144	42	LOUIS VIVIER, SR.	
F534081157A	O-3133	M	NWSE & SWNE	17	144	42	LOUIS VIVIER, SR.	
F534081158	O-3134	M	SWSE	08	144	42	GENEVIEVE VIVIER	



F534081158A	O-3134	M	NWNE	17	144	42	
			SWSE	08	144	42	GENEVIEVE VIVIER
			NWNE	17	144	42	
F534081159	O-3136	M	S2SE	17	144	42	JOACHIM VIVIER
F534081159A	O-3136	M	S2SE	17	144	42	JOACHIM VIVIER
F534081159B	O-3136	M	S2SE	17	144	42	JOACHIM VIVIER
F534081161	O-3903	M	LOTS 1 & 2	14	144	41	SUSAN ROY SCHOENBORN
F534081170A	O-4865	M	E2SE	16	148	42	ELLEN STILLWELL ALBERTSON
F534081174	O-1624	M	LOT 2 & SENW	09	146	40	EMMA BOUTWELL BISSON
F534081192A	O-4989	M	N2NW	15	146	40	
F534081246B	A-1704	M	SWSE	13	143	39	ANTOINE SMITH
F534081252B	O-5126	C	S2NE	10	144	38	NELLIE LAGARDE FITZPATRICK
F534081256	O-3366	M	NWSE & SWNE	22	144	39	BIG WIND TANNER
F534081261	A-2765	M	LOT 1 & SENE	05	144	41	MARY ESTEY FAIRBANKS
F534081263A	A-2768	M	LOT 4	02	148	40	ROSE ESTEY
			N2SWNE & N2S2SWNE	03	146	40	
F534081280A	A-2332	C	SWNE & SENW	26	144	38	MRS. ROBERT RAIN
F534081284	O-5051	M	S2NW	21	146	42	JOSEPH WALDROP
F534081284A	A-2998	M	NWSW	21	148	42	JOSEPH WALDROP
F534081285	O-3999	B	LOT 7 & NESE	20	142	40	MARY IRENE BRANLEY
F534081287A	A-2343	B	S2SE	35	142	39	EMMA GARDEN BOSWELL
F534081295	O-1311	C	LOTS 1 & 2	06	146	38	NAPOLÉON B. LADUKE
F534081305	O-3108	M	NESE	03	144	42	PHILOMENE DUNNELL TAYLOR
F534081305A	O-3108	M	LOT 4	03	144	42	PHILOMENE DUNNELL TAYLOR
F534081799	O-3469	M	LOTS 1 & 2	03	144	41	JOHN MERRELL
F534081799E	O-3469	M	LOT 1 & 2	03	144	41	JOHN MERRELL
F534081799G	O-3469	M	LOT 1 & 2	03	144	41	JOHN MERRILL
F534081805C	O-2084	B	SENE	16	142	41	
F534081813	O-4781	M	NWNW	34	143	40	ANGELINE JORDAN
			SENE	36	143	40	
F534081862F	O-3844	M	S2SE	28	143	39	
F534081862M	A-2503	M	SENW & NESW	28	143	39	WADENA
F534081873A	O-3239	M	SWSW	02	144	42	WADENA
F534081916	A-1814	C	N2NE	24	146	38	O ME ZHAH QUOD OKE
F534081964B	A-1670	M	NWSW	35	144	40	WAY ZOW UB E TUNG
F534081979	O-0541	M	NWNE	18	146	42	
F534081984	A-2076	C	S2NW	29	144	38	
F534082005	A-0914	B	NENE & NWNE	24	141	40	
F534082006B	A-1663	M	W2NW	26	146	39	O BIM WAY WAY GE SHIG O QUAY
F534082006D	A-1663	M	W2NW	26	146	39	O BIM WAY WAY GE SHIG O QUAY
F534082016	A-0206	B	E2NE	09	141	42	
F534082016A	O-0295	B	S2NW	27	141	42	
F534082017C	A-2410	M	SWSE	03	145	39	O MAH DWAY AH JE WUN OKE
F534082017D	A-2410	M	SWSE	03	145	39	O MAH DWAY AH JE WUN OKE
F534082017E	A-2410	M	SWSE	03	145	39	O MAH DWAY AH JE WUN OKE
F534082017F	A-2410	M	SESE	03	145	39	O MAH DWAY AH JE WUN OKE
F534082021A	A-1741	C	E2NW	13	145	38	
F534082035	O-2934	M	E2SE	21	146	39	MARY BEAULIEU STAPLES
F534082039	O-0605	M	S2NW	26	144	39	MAY FAIRBANKS
F534082061	O-3066	M	W2SW	21	144	42	EDWARD WILSON
F534082063	A-0744	C	W2NE	09	143	38	MARY STARKEY DUNN
F534082064	A-1665	C	N2NE	20	145	38	ROSALIE BRUNETTE
F534082066	A-1370	B	S2NW	24	142	37	JOE PHILLIPS
F534082067	A-1435	B	SENW & NESW	18	142	38	ANDREW MARTIN
F534082068	O-1945	B	LOTS 2 &				



F534082097	A-2402	B	NWSW	15	141	38	O NAY WAUG
			NWNE	16	141	38	
F534082099	O-1964	B	N2SW	16	141	37	LITTLE JOE BUCKANAHGAH
F534082100	O-1409	B	S2SW	05	141	41	WILLIE ROBERT WARREN
F534082101	A-2064	C	S2S2SENE	01	146	38	HENRY S. PEMBERTON
F534082102	O-3636	M	S2NE	27	144	41	MAGGIE MURRAY
			LOT 6	26	144	41	
F534082103	O-2043	B	E2NE	08	141	37	NE ZHO DAIN
F534082104	A-1450	C	N2NE	21	143	38	KE ASS
F534082106	A-2031	C	S2SENE & S2N2SENE	17	146	38	JOHN BUCKANAGA
F534082107	O-3843	B	NENW & NWNE	18	142	41	DANIEL H. PORTER
F534082108	O-3482	C	W2NE	31	146	38	MARY HILDRETH SMITH
F534082109	A-1463	B	LOT 4	01	141	39	BE SHEW
F534082109A	A-1463	B	LOT 2	02	141	39	MAH KAY TAY GWON
F534082110	A-2091	M	E2SW	06	144	39	TE BISH CO GAH BOW
F534082111	O-3497	M	S2SE	18	146	41	TE BISH CO GAH BOW
F534082111A	A-1969	M	SWNE & SENW	17	144	39	
F534082112	O-1467	M	S2NE	14	143	41	
F534082113	O-1966	B	SESE	20	141	38	BEN MOUNTAIN MARTIN
			NENE	29	141	38	SUNG AH CUMIG
F534082114	O-3728	M	S2NE	04	146	40	HAZEL ARMSTRONG RICHARDS
F534082114A	A-2143	M	W2SE	32	146	42	HAZEL ARMSTRONG RICHARDS
F534082115	O-3595	C	LOT 4	05	146	38	CHARLOTTE PEAVEY PORTER
F534082115A	O-3595	C	SWNW	05	146	38	CHARLOTTE PEAVEY PORTER
F534082116	O-1817	M	NWNE	14	146	39	FRANK BEAN
F534082116A	O-1817	M	SENW	02	146	39	FRANK BEAN
F534082117	O-3743	M	SESW & SWSE	29	146	40	MRS. SCOTT PORTER
F534082118	O-1453	B	N2NE	30	141	41	FREDERICK ALFRED BARRELL
F534082119	O-1802	M	E2SE	07	143	41	VIRGINIA HALVERSON SANTWIER
F534082120	O-1463	B	NESW & NWSE	21	141	40	JENNIE PARKER JACKSON
F534082121	O-1064	M	E2SE	22	143	41	JOSIE BEIGHLEY RICHARDSON
F534082122	O-4593	M	W2SE	26	145	42	HENRY PATTERSON
F534082124	O-3703	M	LOT 4 & SESW	31	145	39	MAY GOODWIN PATTERSON
F534082125	O-3659	M	LOTS 3 & 4	06	144	39	ROSE BELLANGER TROTTOCHAUD
F534082126	O-1640	M	S2SW	09	144	39	ROSE BELLANGER TROTTOCHAUD
F534082126A	A-0961	C	S2SE	20	145	38	JOE JACKSON
F534082127	O-4970	C	LOT 3	20	145	38	JOE JACKSON
F534082127A	O-4970	C	LOT 3	20	145	38	JOE JACKSON
F534082128	A-1077	M	LOT 4	18	146	42	ANNIE WARREN JACKSON
			LOT 5	30	146	42	
F534082129	A-2675	M	NWNE	15	144	41	O BE SHAW
F534082130	O-2810	B	N2NE	23	141	37	O BIM WAY CUMIG O QUAY
F534082131	A-0392	B	LOT 1 & N2SENE	01	142	38	MARGARET SOPHIA LYNCH KAIN
F534082132	O-4691	M	S2NW	24	145	40	BOBBY SHAY SHAY WAY KE SHIG
F534082133A	A-1292	B	W2NW	35	141	39	ANNIE MORGAN JOHNSON
F534082134	A-1721	B	N2SE	21	142	39	MRS. WILLIAM POTTER
F534082135	A-1180	M	W2SE	11	144	39	MRS. GEORGE YELLOWHEAD
F534082136	A-1290	B	W2SE	33	141	39	CHARLES LAFRENIERE
F534082137	O-3262	M	E2NE	16	144	42	MRS. CHARLES DICK
F534082138	O-2514	M	LOT 1 & NWNE	21	143	40	JESSE STAPLES MORRISON
F534082139	O-2807	M	W2SE	16	146	41	JESSE STAPLES MORRISON
F534082141	O-3543	M	NENW & NWNE	17	145	40	SOPHIA VAN NETTE
F534082141A	A-1996	M	W2SE	04	146	39	SOPHIA VAN NETTE
F534082142	O-2396	M	SENE & NWSE	06	146	41	PHILOMENE VILLEBRUN NICHOLAS
F534082142A	A-1746	M	NESE	07	146	41	PHILOMENE VILLEBRUN NICHOLAS
			NWSW	08	146	41	CHARLES HENRY PEMBERTON
F534082143	O-2286	M	W2NE	07	144	41	FRANK MAURICE MARTIN
F534082143A	A-1668	M	S2SW	36	144	40	GEORGIANNA LOUZON SELKIRK
F534082144	A-1916	M	E2NE	30	145	39	
			S2SESW	19	145	39	
F534082145	O-3171	M	LOT 6	07	144	42	
			SWNE	08	144	42	
F534082151	A-0383	B	NESE	25	142	42	

[FR Doc. 91-7243 Filed 3-26-91; 8:45 am]

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Name		Rank		Company		Regiment		Service	
1	John A. Smith	1st	Private	1st	Company	1st	Regiment	1st	Service
2	James B. Jones	2nd	Private	2nd	Company	2nd	Regiment	2nd	Service
3	Robert C. Brown	3rd	Private	3rd	Company	3rd	Regiment	3rd	Service
4	William D. White	4th	Private	4th	Company	4th	Regiment	4th	Service
5	Charles E. Black	5th	Private	5th	Company	5th	Regiment	5th	Service
6	Thomas F. Green	6th	Private	6th	Company	6th	Regiment	6th	Service
7	George H. Gray	7th	Private	7th	Company	7th	Regiment	7th	Service
8	Frank I. Hall	8th	Private	8th	Company	8th	Regiment	8th	Service
9	Edward J. King	9th	Private	9th	Company	9th	Regiment	9th	Service
10	Harold K. Lewis	10th	Private	10th	Company	10th	Regiment	10th	Service
11	Arthur L. Clark	11th	Private	11th	Company	11th	Regiment	11th	Service
12	Donald M. Evans	12th	Private	12th	Company	12th	Regiment	12th	Service
13	Frederick N. Hill	13th	Private	13th	Company	13th	Regiment	13th	Service
14	William O. Young	14th	Private	14th	Company	14th	Regiment	14th	Service
15	Charles P. Adams	15th	Private	15th	Company	15th	Regiment	15th	Service
16	Thomas Q. Baker	16th	Private	16th	Company	16th	Regiment	16th	Service
17	George R. Nelson	17th	Private	17th	Company	17th	Regiment	17th	Service
18	Frank S. Phillips	18th	Private	18th	Company	18th	Regiment	18th	Service
19	Edward T. Mitchell	19th	Private	19th	Company	19th	Regiment	19th	Service
20	Harold U. Roberts	20th	Private	20th	Company	20th	Regiment	20th	Service
21	Arthur V. Turner	21st	Private	21st	Company	21st	Regiment	21st	Service
22	Donald W. Carter	22nd	Private	22nd	Company	22nd	Regiment	22nd	Service
23	Frederick X. Scott	23rd	Private	23rd	Company	23rd	Regiment	23rd	Service
24	William Y. Green	24th	Private	24th	Company	24th	Regiment	24th	Service
25	Charles Z. Baker	25th	Private	25th	Company	25th	Regiment	25th	Service
26	Thomas A. Nelson	26th	Private	26th	Company	26th	Regiment	26th	Service
27	George B. Phillips	27th	Private	27th	Company	27th	Regiment	27th	Service
28	Frank C. Mitchell	28th	Private	28th	Company	28th	Regiment	28th	Service
29	Edward D. Roberts	29th	Private	29th	Company	29th	Regiment	29th	Service
30	Harold E. Turner	30th	Private	30th	Company	30th	Regiment	30th	Service
31	Arthur F. Carter	31st	Private	31st	Company	31st	Regiment	31st	Service
32	Donald G. Scott	32nd	Private	32nd	Company	32nd	Regiment	32nd	Service
33	Frederick H. Green	33rd	Private	33rd	Company	33rd	Regiment	33rd	Service
34	William I. Baker	34th	Private	34th	Company	34th	Regiment	34th	Service
35	Charles J. Nelson	35th	Private	35th	Company	35th	Regiment	35th	Service
36	Thomas K. Phillips	36th	Private	36th	Company	36th	Regiment	36th	Service
37	George L. Mitchell	37th	Private	37th	Company	37th	Regiment	37th	Service
38	Frank M. Roberts	38th	Private	38th	Company	38th	Regiment	38th	Service
39	Edward N. Turner	39th	Private	39th	Company	39th	Regiment	39th	Service
40	Harold O. Carter	40th	Private	40th	Company	40th	Regiment	40th	Service
41	Arthur P. Scott	41st	Private	41st	Company	41st	Regiment	41st	Service
42	Donald Q. Green	42nd	Private	42nd	Company	42nd	Regiment	42nd	Service
43	Frederick R. Baker	43rd	Private	43rd	Company	43rd	Regiment	43rd	Service
44	William S. Nelson	44th	Private	44th	Company	44th	Regiment	44th	Service
45	Charles T. Phillips	45th	Private	45th	Company	45th	Regiment	45th	Service
46	Thomas U. Mitchell	46th	Private	46th	Company	46th	Regiment	46th	Service
47	George V. Roberts	47th	Private	47th	Company	47th	Regiment	47th	Service
48	Frank W. Turner	48th	Private	48th	Company	48th	Regiment	48th	Service
49	Edward X. Carter	49th	Private	49th	Company	49th	Regiment	49th	Service
50	Harold Y. Scott	50th	Private	50th	Company	50th	Regiment	50th	Service
51	Arthur Z. Green	51st	Private	51st	Company	51st	Regiment	51st	Service
52	Donald A. Baker	52nd	Private	52nd	Company	52nd	Regiment	52nd	Service
53	Frederick B. Nelson	53rd	Private	53rd	Company	53rd	Regiment	53rd	Service
54	William C. Phillips	54th	Private	54th	Company	54th	Regiment	54th	Service
55	Charles D. Mitchell	55th	Private	55th	Company	55th	Regiment	55th	Service
56	Thomas E. Roberts	56th	Private	56th	Company	56th	Regiment	56th	Service
57	George F. Turner	57th	Private	57th	Company	57th	Regiment	57th	Service
58	Frank G. Carter	58th	Private	58th	Company	58th	Regiment	58th	Service
59	Edward H. Scott	59th	Private	59th	Company	59th	Regiment	59th	Service
60	Harold I. Green	60th	Private	60th	Company	60th	Regiment	60th	Service
61	Arthur J. Baker	61st	Private	61st	Company	61st	Regiment	61st	Service
62	Donald K. Nelson	62nd	Private	62nd	Company	62nd	Regiment	62nd	Service
63	Frederick L. Phillips	63rd	Private	63rd	Company	63rd	Regiment	63rd	Service
64	William M. Mitchell	64th	Private	64th	Company	64th	Regiment	64th	Service
65	Charles N. Roberts	65th	Private	65th	Company	65th	Regiment	65th	Service
66	Thomas O. Turner	66th	Private	66th	Company	66th	Regiment	66th	Service
67	George P. Carter	67th	Private	67th	Company	67th	Regiment	67th	Service
68	Frank Q. Scott	68th	Private	68th	Company	68th	Regiment	68th	Service
69	Edward R. Green	69th	Private	69th	Company	69th	Regiment	69th	Service
70	Harold S. Baker	70th	Private	70th	Company	70th	Regiment	70th	Service
71	Arthur T. Nelson	71st	Private	71st	Company	71st	Regiment	71st	Service
72	Donald U. Phillips	72nd	Private	72nd	Company	72nd	Regiment	72nd	Service
73	Frederick V. Mitchell	73rd	Private	73rd	Company	73rd	Regiment	73rd	Service
74	William W. Roberts	74th	Private	74th	Company	74th	Regiment	74th	Service
75	Charles X. Turner	75th	Private	75th	Company	75th	Regiment	75th	Service
76	Thomas Y. Carter	76th	Private	76th	Company	76th	Regiment	76th	Service
77	George Z. Scott	77th	Private	77th	Company	77th	Regiment	77th	Service
78	Frank A. Green	78th	Private	78th	Company	78th	Regiment	78th	Service
79	Edward B. Baker	79th	Private	79th	Company	79th	Regiment	79th	Service
80	Harold C. Nelson	80th	Private	80th	Company	80th	Regiment	80th	Service
81	Arthur D. Phillips	81st	Private	81st	Company	81st	Regiment	81st	Service
82	Donald E. Mitchell	82nd	Private	82nd	Company	82nd	Regiment	82nd	Service
83	Frederick F. Roberts	83rd	Private	83rd	Company	83rd	Regiment	83rd	Service
84	William G. Turner	84th	Private	84th	Company	84th	Regiment	84th	Service
85	Charles H. Carter	85th	Private	85th	Company	85th	Regiment	85th	Service
86	Thomas I. Scott	86th	Private	86th	Company	86th	Regiment	86th	Service
87	George J. Green	87th	Private	87th	Company	87th	Regiment	87th	Service
88	Frank K. Baker	88th	Private	88th	Company	88th	Regiment	88th	Service
89	Edward L. Nelson	89th	Private	89th	Company	89th	Regiment	89th	Service
90	Harold M. Phillips	90th	Private	90th	Company	90th	Regiment	90th	Service
91	Arthur N. Mitchell	91st	Private	91st	Company	91st	Regiment	91st	Service
92	Donald O. Roberts	92nd	Private	92nd	Company	92nd	Regiment	92nd	Service
93	Frederick P. Turner	93rd	Private	93rd	Company	93rd	Regiment	93rd	Service
94	William Q. Carter	94th	Private	94th	Company	94th	Regiment	94th	Service
95	Charles R. Scott	95th	Private	95th	Company	95th	Regiment	95th	Service
96	Thomas S. Green	96th	Private	96th	Company	96th	Regiment	96th	Service
97	George T. Baker	97th	Private	97th	Company	97th	Regiment	97th	Service
98	Frank U. Nelson	98th	Private	98th	Company	98th	Regiment	98th	Service
99	Edward V. Phillips	99th	Private	99th	Company	99th	Regiment	99th	Service
100	Harold W. Mitchell	100th	Private	100th	Company	100th	Regiment	100th	Service

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# Registered

Wednesday,  
March 27, 1991

## Part III

## Environmental Protection Agency

40 CFR Part 302

**Reportable Quantity Adjustments for  
Petroleum Refinery Primary Treatment  
Sludges; Proposed Rule**



# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 302

[SW H-FRL-3819-4]

RIN 2050-AD15

### Reportable Quantity Adjustments for Petroleum Refinery Primary Treatment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA or the Agency) is proposing to adjust the reportable quantities (RQs) for waste stream F037 and F038 (sludges from petroleum refinery separation processes) under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. In a final rule published on November 2, 1990 (55 FR 46354), EPA designated waste streams F037 and F038 as hazardous under CERCLA and assigned each of them a statutory RQ of one pound. In this proposed rule, the Agency is exercising its authority under section 102(a) of CERCLA by proposing to adjust the statutory RQs for waste streams F037 and F038.

**DATES:** Comments must be submitted on or before May 28, 1991.

**ADDRESSES:** Comments should be submitted in triplicate to: Emergency Response Division, Attention: Superfund Docket Clerk, Docket Number 102 RQ-WS, Superfund Docket Room M2427, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

**Docket:** Copies of materials relevant to this rulemaking are contained in room M2427 at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (Docket Number 102 RQ-WS). The docket is available for inspection between the hours of 9 a.m. and 4 p.m., Monday through Friday, excluding Federal holidays. Appointments to review the docket can be made by calling 1-202/382-3046. The public may copy a maximum of 50 pages from any regulatory docket at no cost. Additional copies cost 20 cents per page.

**Release notification:** The toll-free telephone number of the National Response Center is 1-800/424-8802; in the Washington, DC metropolitan area, the number is 1-202/267-2675.

**FOR FURTHER INFORMATION CONTACT:** Ms. Gerain H. Perry, Response Standards and Criteria Branch, Emergency Response Division (OS-210), U.S. Environmental Protection Agency,

401 M Street, SW., Washington, DC 20460; or the RCRA/Superfund Hotline at 1-800/424-9346 (in the Washington, DC metropolitan area, 1-703/920-9810). The Telecommunications Device for the Deaf (TDD) Hotline number is 1-800/553-7672 (in the Washington, DC metropolitan area, 1-703/486-3323).

**SUPPLEMENTARY INFORMATION:** In a final rule published on November 2, 1990 (55 FR 46354), the U.S. Environmental Protection Agency (EPA or the Agency) announced its decision to regulate certain oil/water/solids separation sludges from petroleum refinery wastewaters under section 3001 of the Resource Conservation and Recovery Act (RCRA) by listing these sludges as waste streams F037 and F038 in 40 CFR 261.31. The final rule is based on a proposed rule published by the Agency on November 12, 1980 (45 FR 74893).

In the same final rule, EPA, pursuant to section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, designated waste streams F037 and F038 as CERCLA hazardous substances. In that final rule, EPA also assigned waste streams F037 and F038 a statutory reportable quantity (RQ) of one pound (under section 102(b) of CERCLA, an RQ of one pound is established for releases of hazardous substances, except for hazardous substances whose RQs were established pursuant to section 311 of the Clean Water Act). Waste streams F037 and F038 and their RQs were added to Table 302.4 (List of Hazardous Substances and Reportable Quantities) in 40 CFR 302.4.

Under CERCLA section 103(a), the person in charge of a vessel or a facility, from which a CERCLA hazardous substance has been released in a quantity that equals or exceeds its RQ, must immediately notify the National Response Center of the release. In addition to the reporting requirements under CERCLA, section 304 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) requires owners or operators of certain facilities to report releases of extremely hazardous substances (EHSs) to State and local authorities. EPCRA section 304 notification must be given immediately after the release of an EHS in the amount of an RQ or more to the community emergency coordinator for each local emergency planning committee for any area likely to be affected by the release, and to the State emergency planning commission of any State likely to be affected by the release.

Section 102(a) of CERCLA authorizes the Agency to adjust statutory RQs by

regulation. The Agency's methodology for adjusting RQs of individual hazardous substances begins with an evaluation of the intrinsic physical, chemical, and toxicological properties of each hazardous substance.<sup>1</sup> The intrinsic properties examined—called "primary criteria"—are aquatic toxicity, mammalian toxicity (oral, dermal, and inhalation), ignitability, reactivity, chronic toxicity, and potential carcinogenicity. Generally, for each intrinsic property, the Agency ranks hazardous substances on a scale, associating a specific range of values on each scale with an RQ of 1, 10, 100, 1000, or 5000 pounds. The data for each hazardous substance are evaluated using various primary criteria; each hazardous substance may receive several tentative RQ values based on its particular intrinsic properties. The lowest of the tentative RQs becomes the "primary criteria RQ" for that substance.

After the primary criteria RQs are assigned, substances are further evaluated for their susceptibility to certain degradative processes, which are used as secondary adjustment criteria. These natural degradative processes are biodegradation, hydrolysis, and photolysis (BHP). If a hazardous substance, when released into the environment, degrades relatively rapidly to a less hazardous form by one or more of the BHP processes, its RQ (as determined by the primary RQ adjustment criteria), is generally raised one level.<sup>2</sup> This adjustment is made because the relative potential for harm to public health or welfare or the environment posed by the release of such a substance is reduced by these degradative processes. Conversely, if a hazardous substance degrades to a more hazardous product after its release, the original substance is assigned an RQ equal to the RQ for the more hazardous substance, which may be one or more levels lower than the RQ for the original substance. The downward adjustment is appropriate because the hazard posed by the release

<sup>1</sup> For more detailed information on this methodology, see the preamble to an RQ adjustment final rule published on August 14, 1989 (54 FR 33426). A different methodology applies for assigning adjusted RQs to radionuclides (see 54 FR 22524, May 24, 1989).

<sup>2</sup> No RQ level increase based on BHP occurs if the primary criteria RQ is already at its highest possible level (100 pounds for potential carcinogens and 5000 pounds for all other types of hazardous substances except radionuclides). BHP is not applied to radionuclides.



of the original substance is increased as a result of BHP.<sup>3</sup>

The methodology summarized above is applied to adjust the RQs of individual hazardous substances. An additional process applies to waste streams, which contain individual hazardous substances as constituents. As the Agency has stated (54 FR 33440, August 14, 1989), to assign an RQ to a waste stream, the Agency determines the RQ for each waste stream constituent and then assigns the lowest of these constituent RQs to the waste stream itself. Table 1 lists the constituents of waste streams F037 and F038 and the RQs for each of these constituents.

TABLE 1.—CONSTITUENTS AND CONSTITUENT RQs FOR WASTE STREAMS F037 AND F038

Waste stream	Constituents	Constituent RQs (lbs.)
F037	Benzene	10
	Benzo(a)pyrene	1
	Hexavalent Chromium	10
	Chrysene	100
	Lead	*1
F038	Benzene	10
	Benzo(a)pyrene	1

<sup>3</sup> EPA has proposed (54 FR 35988, August 30, 1989) to add to this process a further step involving the existing methodology for developing threshold

TABLE 1.—CONSTITUENTS AND CONSTITUENT RQs FOR WASTE STREAMS F037 AND F038—Continued

Waste stream	Constituents	Constituent RQs (lbs.)
	Hexavalent Chromium	10
	Chrysene	100
	Lead	*1

\* This statutory RQ for lead will be adjusted in a future EPA rulemaking.

As indicated by Table 1, the lowest constituent RQ for each of these waste streams is one pound (the RQ for benzo(a)pyrene and lead). Therefore EPA is proposing to amend Table 302.4 in 40 CFR 302.4 to include adjusted RQs of one pound for waste streams F037 and F038.

*Economic Analysis.* Because the proposed adjusted RQs for waste streams F037 and F038 are at the same level (one pound) as their current statutory RQs, this proposed rule will not result in incremental costs to the regulated community.

#### List of Subjects in 40 CFR Part 302

Air pollution control, Chemicals, Emergency Planning and Community Right-to-Know Act, Extremely

planning quantities pursuant to EPCRA section 302. This proposed additional methodology step, when promulgated, will not affect the RQ adjustments

hazardous substances, Hazardous chemicals, Hazardous materials, Hazardous materials transportation, Hazardous substances, Hazardous wastes, Intergovernmental relations, Natural resources, Pesticides and pests, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: March 21, 1991.

William K. Reilly,  
Administrator.

For the reasons set out in the preamble, it is proposed to amend title 40 of the Code of Federal Regulations as follows:

#### PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

1. The authority citation for part 302 continues to read as follows:

Authority: 42 U.S.C. 9602, 9603, and 9604; 33 U.S.C. 1321 and 1361.

#### § 302.4 [Amended]

2. Section 302.4 is amended by revising the following entries in Table 302.4 to read as set forth below. The appropriate footnotes to Table 302.4 are republished without change.

proposed today. For further information on this proposed methodology step, see the preamble to the August 30, 1989 proposed rule.

TABLE 302.4.—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES

Hazardous substance	CASRN	Regulatory synonyms	Statutory		Proposed RQ	
			RQ	Code†	RCRA Waste No.	Category Pounds (kg)
F037 Petroleum refinery primary oil/water/solids separation sludge— Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in aggressive biological treatment units as defined in § 261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are exempted from this listing.			1*	4	F037	X 1(0.454)
F038 Petroleum refinery secondary (emulsified) oil/water/solids separation sludge— Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in aggressive biological treatment units as defined in § 261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are exempted from this listing.			1*	4	F038	X 1(0.454)

† Indicates the statutory source as defined by 1, 2, 3, 4, or 5 below.

4 Indicates that the statutory source for designation of this hazardous substance under CERCLA is RCRA Section 3001.

1\* Indicates that the 1-pound RQ is a CERCLA statutory RQ.

[FR Doc. 91-7229 Filed 3-26-91; 8:45 am]

BILLING CODE 6560-50-M







# Federal Register

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Wednesday  
March 27, 1991

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## Part IV

## The President

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Proclamation 6265—Women's History  
Month, 1991



March 27, 1997  
7:45 AM

Part IV

The President

Proclamation 6585—Women's History  
Month, 1997

Robert L. Taylor



# Presidential Documents

Title 3—

Proclamation 6265 of March 25, 1991

The President

Women's History Month, 1991

By the President of the United States of America

## A Proclamation

During Women's History Month we celebrate the many unique and vital contributions that women have made to our Nation. While this month is dedicated to all American women, we pay special tribute to those who have earned a noted place in history. We recall with admiration and respect women who were first in their fields, including Dr. Elizabeth Blackwell, the first woman in the United States to receive a medical degree; Elizabeth Ann Seton and Emma Hart Willard, who were pioneers in education; Anne Macy Sullivan and Helen Keller, who advanced the training of the blind and other persons with disabilities; and Sophia Heath, who helped open doors for women in commercial aviation as well as in sports. We gratefully remember humanitarians such as Clara Barton, founder of the American Red Cross, and we proudly celebrate the artistic and literary genius of women like Mary Cassatt and Flannery O'Connor. We also remember with fondness women like Clare Boothe Luce and Pearl Bailey, who not only earned respect for their public service and diplomacy but also endeared themselves to millions through their wit, generosity, and contagious love of life and learning. These are just a few of the many women who have made lasting contributions to the United States, but their celebrated achievements underscore how every aspect of our national life has been enriched by the creativity, energy, and leadership of women.

As we recognize the many outstanding contributions that women have made to American history and culture, we acknowledge with special gratitude the role women have played in upholding the principles on which the United States is founded. During the mid-19th century, women like Harriet Tubman and Harriet Beecher Stowe became heroines of the struggle against slavery; women such as Lucretia Mott and Elizabeth Cady Stanton also advocated the abolition of slavery as they championed woman's suffrage. Of course, who can forget the quiet determination of Rosa Parks, whose courage and resolve in the face of bigotry gave heart to an entire social movement. Each of these women and countless others worked to fulfill America's promise of liberty and justice for all.

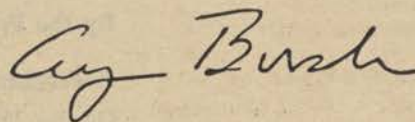
Today women continue to defend and to promote the ideals on which this Nation is founded. Indeed, history will show that those American women who served in the recent struggle to liberate Kuwait helped not only to deter ruthless aggression but also to build a new world order based on respect for human rights and the rule of law.

Advancing to new and ever greater positions of responsibility in virtually every field, women continue to uphold the American ideals of liberty, equality, and justice. Most important, however, because it is within the family that our Nation's most cherished values and traditions are passed from one generation to the next, women help to preserve our American heritage by nurturing in their children faith, moral values, and a sense of civic duty. Thus, as we celebrate the achievements of noted women in American history, let us also acknowledge with pride and gratitude the contributions that so many unsung heroines have made to our country through the institutions of family and community life.



NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 1991 as Women's History Month. I call upon all Americans to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of March, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth



[FR Doc. 91-7447

Filed 3-26-91; 11:23 am]

Billing code 3195-01-M



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**H.R. 180/Pub. L. 102-16**

To amend title 38, United States Code, with respect to veterans education and employment programs, and for other purposes. (Mar. 22, 1991; 105 Stat. 48; 9 pages) Price: \$1.00

**H.J. Res. 167/Pub. L. 102-17**

Designating June 14, 1991, and June 14, 1992, each as "Baltic Freedom Day". (Mar. 22, 1991; 105 Stat. 57; 1 page) Price: \$1.00

**S. 419/Pub. L. 102-18**

Resolution Trust Corporation Funding Act of 1991. (Mar. 23, 1991; 105 Stat. 58; 9 pages) Price: \$1.00







